

Exhibit 1

Deposition of J.S.

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

J.S., (a minor child by
and through his father and
next friend, JOHN SEARIGHT),
Plaintiff,

Vs. CIVIL ACTION NO.
02:05-CV-928-WKW
OFFICER CURT CAMPBELL, in
his individual capacity,

Defendant.

DEPOSITION OF JOHN A. SEARIGHT, JR., taken
pursuant to stipulation and agreement before Pamela
A. Wilbanks, Registered Professional Reporter and
Commissioner for the State of Alabama at Large, in
the Richardson Legal Center, 133 Hayneville Plaza,
Hayneville, Alabama, on Friday, March 3, 2006,
commencing at approximately 9:10 a.m.

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STIPULATION

It is hereby stipulated and agreed by and
between counsel representing the parties that the
deposition of JOHN A. SEARIGHT, JR. is taken pursuant
to the Federal Rules of Civil Procedure and that said
deposition may be taken before Pamela A. Wilbanks,
Registered Professional Reporter and Commissioner for
the State of Alabama at Large, without the formality
of a commission, that objections to questions other
than objections as to the form of the question need
not be made at this time but may be reserved for a
ruling at such time as the said deposition may be
offered in evidence or used for any other purpose by
either party provided for by the Statute.

It is further stipulated and agreed by and
between counsel representing the parties in this case
that the filing of said deposition is hereby waived
and may be introduced at the trial of this case or
used in any other manner by either party hereto
provided for by the Statute regardless of the waiving
of the filing of the same.

It is further stipulated and agreed by and
between the parties hereto and the witness that the

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APPEARANCES

FOR THE PLAINTIFF:

Mr. Jay Lewis
LAW OFFICES OF JAY LEWIS & ASSOCIATES
Attorneys at Law
847 South McDonough Street
Suite 100
Montgomery, Alabama

FOR THE DEFENDANT:

Mr. S. Mark Dukes
NIX, HOLTSFORD, GILLILAND, HIGGINS & HITSON
Attorneys at Law
4001 Carmichael Road - Suite 300
Montgomery, Alabama 36106

ALSO PRESENT:

Mr. and Mrs. Searight
Officer Curt Campbell

EXAMINATION INDEX

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BY MR. LEWIS 121

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signature of the witness to this deposition is here by
waived.

JOHN A. SEARIGHT, JR.

The witness, after having first been duly
sworn to speak the truth, the whole truth and nothing
but the truth testified as follows:

EXAMINATION

BY MR. DUKES:

Q. Will you tell me your full name, please, and
give me the correct spelling?

A. John Arthur Searight, Jr.

Q. John Arthur --

A. Searight, Jr.

Q. And how do you spell that?

A. J-O-H-N, A -- I don't use the Arthur in
school.

Q. How do you spell your last name?

A. S-E-A-R-I-G-H-T.

Q. How old are you?

A. Fourteen.

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1 A. November 2, 1991.
 2 Q. Do you mind if I call you Mr. Searight or
 3 would you rather I call you John?
 4 A. Either one.
 5 Q. Have you ever given a deposition before in
 6 anything?
 7 A. Sir?
 8 Q. Do you know what we're here for today?
 9 A. Yes, sir.
 10 Q. I'm here to take your deposition. That means
 11 that the court reporter here has put you under
 12 oath. That means you've been sworn to tell
 13 the truth. Do you understand that?
 14 A. Yes, sir.
 15 Q. Do you know what it means to tell the truth?
 16 A. Sir?
 17 Q. Do you know what it means to tell the truth?
 18 A. Yes, sir.
 19 Q. Do you know the difference between right and
 20 wrong?
 21 A. Yes, sir.
 22 Q. Let me go over a few things with you here
 23 before we get started. I'm here representing

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1 Officer Campbell that you and your parents
 2 have sued in this lawsuit. I'm here to ask
 3 you some questions today, and you've been
 4 sworn to tell the truth when you answer my
 5 questions. I want to make sure that I
 6 communicate with you as well as I can. If you
 7 don't hear me, please let me know. If you
 8 don't understand my question, please let me
 9 know. If you need me to repeat it or speak
 10 louder, I'll be happy to do that. Okay?
 11 A. Yes, sir.
 12 Q. I need you to speak loudly and clearly so that
 13 the court reporter here can hear what you're
 14 saying and put down exactly what you say. If
 15 I ask you a question that calls for a yes or
 16 no answer, would you please answer yes or no
 17 rather than uh-huh or huh-uh or shake your
 18 head or nod your head or something like that?
 19 Can you do that?
 20 A. Yes, sir.
 21 Q. Sometimes uh-huhs and huh-uhs get mixed up,
 22 and we need to make sure that the record of
 23 what you say here gets put down exactly like

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1 you want it. Fair enough?
 2 A. Yes, sir.
 3 Q. If you need to take a break for any reason,
 4 whether to talk to your lawyer or go to the
 5 restroom or anything else, please let me know
 6 and we can do that too. All right?
 7 A. Yes, sir.
 8 Q. What do your friends call you at school?
 9 A. John.
 10 Q. Do you go by any other names?
 11 A. Yes, sir.
 12 Q. What is that?
 13 A. Candy Man.
 14 Q. Who calls you that?
 15 A. My sister and my uncles.
 16 Q. Do people at school call you that?
 17 A. Sometime.
 18 Q. Where did that nickname come from?
 19 A. My granddaddy.
 20 Q. Where do you live now?
 21 A. In Fort Deposit.
 22 Q. What's your street address of where you live?
 23 A. North Pollard Street.

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1 Q. North what?
 2 A. North Pollard.
 3 Q. North Pollard?
 4 A. Yes, sir.
 5 Q. How long have you lived at North Pollard
 6 Street?
 7 A. About two or three years.
 8 Q. Who do you live with there?
 9 A. My parents.
 10 Q. Anybody else live with you there?
 11 A. My sister.
 12 Q. What's your sister's name?
 13 A. Julisa.
 14 Q. Can you spell that for me?
 15 A. No, sir.
 16 Q. Where did you live before you lived on North
 17 Pollard Street in Fort Deposit?
 18 A. Golson (phonetic) Road.
 19 Q. Where is that?
 20 A. In Fort Deposit.
 21 Q. How long did you live there?
 22 A. I can't remember.
 23 Q. Have you spent all your life in Fort Deposit?

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1 A. Yes, sir.
 2 Q. What's your father's name?
 3 A. John Arthur Searight.
 4 Q. What's your mother's name?
 5 A. Alecia Michelle Crenshaw.
 6 Q. Does she live with you there on Pollard
 7 Street?
 8 A. Yes, sir.
 9 Q. How many brothers and sisters do you have?
 10 A. I've got two sisters. No brothers.
 11 Q. One of your sisters is Julisa?
 12 A. Yes, sir.
 13 Q. How do you spell her name? Pardon me?
 14 A. I don't know that.
 15 Q. What's your other sister's name?
 16 A. Jessica.
 17 Q. How old is Julisa?
 18 A. Sixteen.
 19 Q. What's her last name?
 20 A. Crenshaw.
 21 Q. How old is Jessica?
 22 A. Twenty.
 23 Q. What's her last name?

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1 A. Crenshaw.
 2 Q. Does Jessica live with you on Pollard Street?
 3 A. No, sir.
 4 Q. Where does she live?
 5 A. With my grandma.
 6 Q. What's your grandmother's name?
 7 A. Daisy Mae Searight.
 8 Q. Where does your grandmother live?
 9 A. On North Pollard Street.
 10 Q. How far from your house on North Pollard
 11 Street does she live?
 12 A. About 2 to 3 feet.
 13 Q. What's the number -- your street number of
 14 your house on North Pollard Street?
 15 A. I don't know.
 16 Q. Do you go to school?
 17 A. Yes, sir.
 18 Q. What school are you in?
 19 A. Lowndes County Middle School.
 20 Q. What grade are you in?
 21 A. Seventh.
 22 Q. Seventh?
 23 A. Yes, sir.

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1 Q. Have you repeated any grades?
 2 A. Yes, sir.
 3 Q. What grades were those?
 4 A. Second grade.
 5 Q. Any other grades that you've repeated?
 6 A. Third.
 7 Q. Any others?
 8 A. No, sir.
 9 Q. Are you in a regular classroom at Lowndes
 10 County Middle School?
 11 A. Yes, sir.
 12 Q. Do you take any special ed classes?
 13 A. No, sir.
 14 Q. Do you take any speech therapy classes?
 15 A. No, sir.
 16 Q. Do you go to church anywhere?
 17 A. Yes, sir.
 18 Q. Where is that?
 19 A. Freedom Life.
 20 Q. Freedom Life? Is that what you said?
 21 A. Yes, sir.
 22 Q. Where is that?
 23 A. On North Pollard Street.

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1 Q. Does your family go there?
 2 A. Yes, sir.
 3 Q. Your mom and dad?
 4 A. Yes, sir.
 5 Q. What kind of grades do you make in school?
 6 A. Bs and Cs.
 7 Q. What kind of classes are you taking right now
 8 in school?
 9 A. Writing, language, math, social studies. I
 10 can't think of the other class
 11 Q. How long have you been going to Lowndes County
 12 middle school?
 13 A. Going on two years.
 14 Q. Did you go there in the sixth grade?
 15 A. Yes, sir.
 16 Q. And you're now in the seventh grade there?
 17 A. Yes, sir.
 18 Q. Have you ever been suspended from school?
 19 A. Yes, sir.
 20 Q. When were you suspended?
 21 A. Wednesday.
 22 Q. Pardon me?
 23 A. Wednesday.

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1 Q. This Wednesday?
 2 A. Yes, sir.
 3 Q. That would be two days ago? You're talking
 4 about two days ago?
 5 A. Yes, sir.
 6 Q. What were you suspended for?
 7 A. Fighting.
 8 Q. How long were you suspended?
 9 A. One day.
 10 Q. Have you been suspended any other times?
 11 A. Yes, sir.
 12 Q. Tell me about those.
 13 A. For talking and playing in the hallway.
 14 Q. When was that?
 15 A. A long time.
 16 Q. Was it this school year?
 17 A. No.
 18 Q. Was it last year?
 19 A. Yes, sir.
 20 Q. How long were you suspended that time?
 21 A. About two or three days.
 22 Q. Any other times that you've been suspended?
 23 A. Yes, sir.

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1 Q. When was that?
 2 A. For throwing a pecan and hitting somebody in
 3 the head.
 4 Q. When was that?
 5 A. Last year.
 6 Q. How long were you suspended that time?
 7 A. Two days.
 8 Q. Tell me about the other times you've been
 9 suspended.
 10 A. Can't remember.
 11 Q. Have you been suspended more than these three
 12 times?
 13 A. Yes, sir.
 14 Q. How many other times have you been suspended?
 15 A. About ...
 16 Q. Pardon me?
 17 A. About six.
 18 Q. About six more times?
 19 You don't remember what those were about?
 20 A. (Witness nods head negatively.)
 21 Q. Do you remember what those other six times
 22 were about?
 23 A. No, sir.

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1 Q. What's the longest you've been suspended at
 2 any time?
 3 A. Five days.
 4 Q. What was that about?
 5 A. Running away from school when I was little.
 6 Q. Was that this year or last year?
 7 A. It was years ago.
 8 Q. What school were you in then?
 9 A. Fort Deposit Elementary.
 10 Q. Was there anything else you did when you ran
 11 away from school that time that got you
 12 suspended for five days?
 13 A. (Witness nods head negatively.)
 14 Q. I need you to answer out loud.
 15 A. No, sir.
 16 Q. What's the next longest time you've been
 17 suspended?
 18 A. That was it.
 19 Q. But have you been suspended for four days for
 20 anything?
 21 A. No, sir.
 22 Q. Been suspended for three days for anything?
 23 A. No, sir.

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1 Q. You told me you were last year talking and
 2 playing in the hall and you got suspended for
 3 two or three days; is that true?
 4 A. Yes, sir. Can't remember how many days. In
 5 between two and three.
 6 Q. The rest of the times you've been suspended,
 7 it would have either been for one or two days?
 8 A. Yes, sir.
 9 Q. I don't suppose you're married, are you?
 10 A. No, sir.
 11 Q. Do you have any children?
 12 A. No, sir.
 13 Q. Other than your mom and dad and your sister
 14 Julisa, is there anybody else living at North
 15 Pollard Street with you?
 16 A. No, sir.
 17 Q. Have you ever lived with anybody other than
 18 your mom and dad?
 19 A. No, sir.
 20 Q. Have you stayed with anybody else other than
 21 your mom and dad for, say, more than a week at
 22 a time?
 23 A. No, sir.

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1 Q. Other than the incident that you had with
2 Officer Campbell that's the basis of this
3 lawsuit, have you ever had any trouble with
4 the police before?
5 A. No, sir.
6 Q. Have you ever been arrested as a juvenile
7 before?
8 A. No, sir.
9 Q. Have you ever had any contact at all with the
10 police or sheriff's deputy or anything like
11 that before this incident?
12 A. Yes, sir.
13 Q. When was that?
14 A. When we was in the project in Vietnam.
15 Q. When you were what?
16 A. In Vietnam.
17 Q. When were you in Vietnam?
18 A. That's the name of a project.
19 Q. Why do they call that project Vietnam?
20 A. I don't have no idea.
21 Q. What happened with you and the police when you
22 were in Vietnam?
23 A. We were getting in trouble by -- They were

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1 cutting off people's lights, and then they
2 had -- then he had took her to my mama and
3 told her if she don't whip her, he was going
4 to take her to jail. So she whip all of us.
5 And then she had lost her ring, and he had
6 picked it up and said, you got to whip them
7 one more time, and I'll give you the ring
8 back, and that was it.
9 Q. Now, let me make sure I've got this straight.
10 I want to understand what you're saying here.
11 You said there was something going on in
12 the project where people were turning off
13 people's lights?
14 A. Yes, sir.
15 Q. What do you mean by that?
16 A. They were playing with people, like running
17 behind their house and cutting out the light,
18 and then they'll cut them back on and take off
19 running.
20 Q. Talking about like cut the switch on the
21 outside of the house?
22 A. Yes, sir.
23 Q. Talking about where the power goes into the

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1 house? They flip that switch off?
2 A. Yes, sir.
3 Q. Who all was doing that?
4 A. It was a lot of kids.
5 Q. Were you doing that?
6 A. I was just around there with them running.
7 Q. You didn't never flip any of those switches?
8 A. No, I ain't flipped none.
9 Q. What was your part in all of that, then?
10 A. Just running and having fun.
11 Q. How many kids were involved in that?
12 A. About five.
13 Q. You were just running with them? Is that what
14 you're saying today?
15 A. Yes, sir.
16 Q. Was it funny?
17 A. Sort of.
18 Q. Pardon me?
19 A. It was kind of funny.
20 Q. Were you having a good time doing that?
21 A. Yes, sir.
22 Q. Who caught y'all?
23 A. They called the police.

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1 Q. And what police showed up?
2 A. Curt Campbell.
3 Q. Anybody else?
4 A. No, sir.
5 Q. What happened when he showed up?
6 A. He put us in handcuffs and we had to get a
7 whipping.
8 Q. How many people did he put in handcuffs?
9 A. About five.
10 Q. Were you one of those he put in handcuffs?
11 A. Yes, sir.
12 Q. Who were these five people?
13 A. Me, my sister, my cousin ...
14 Q. Which sister?
15 A. Jessica.
16 Q. Who was your cousin?
17 A. Kela (phonetic).
18 Q. How do you spell Kela?
19 A. I don't know.
20 Q. Who else?
21 A. My cousin Shane.
22 Q. Shane is your cousin?
23 A. Yes, sir.

5 (Pages 17 to 20)

Page 21

1 Q. Who else?
 2 A. My older sister Julisa.
 3 Q. Who else?
 4 A. That about it.
 5 Q. Anybody else?
 6 A. No, sir.
 7 Q. Your house on North Pollard Street, is that in
 8 the project?
 9 A. No, sir.
 10 Q. How far is this project from your house?
 11 A. I don't know the distance from that. Ain't
 12 too far.
 13 Q. Do you know how many blocks it is?
 14 A. About one or two.
 15 Q. So the people called Officer Campbell, and he
 16 showed up. What did he say to y'all when he
 17 first got there?
 18 A. Can't remember all that.
 19 Q. When did this happen?
 20 A. When my grandma was staying in the project.
 21 Q. Tell me how long ago this was.
 22 A. About a year or so.
 23 Q. Do you remember what time of year it was?

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1 A. The summertime.
 2 Q. Do you know if this was this very last summer
 3 in 2005 or the summer before that?
 4 A. The summer before that.
 5 Q. And Officer Campbell was the only policeman
 6 that showed up?
 7 A. Yes, sir.
 8 Q. And he put all five of y'all in handcuffs at
 9 one time?
 10 A. He put us -- like one pair on each. Like he
 11 put one right there and put another one
 12 together, like together.
 13 Q. To somebody else?
 14 A. Yes, sir.
 15 Q. One on your wrist and one on somebody else's
 16 wrist?
 17 A. Yes, sir.
 18 Q. What happened after he put y'all in handcuffs?
 19 A. He took us to our grandma's house -- took us
 20 to our grandma's house. And then my mom said
 21 she will whip us, and then when she whipping
 22 her, her ring popped off. And then he found
 23 the ring and she went for it and he said, you

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1 got to whip them one more time.
 2 Q. Hold on just a second here. He took you to
 3 your grandma's house in the project?
 4 A. We was already, like, at the house. Then he
 5 came.
 6 Q. Were you in the house when he got there or
 7 were you outside?
 8 A. I was in the house.
 9 Q. Did you come outside when he got there?
 10 A. Yes.
 11 Q. And the grandma you're talking about, is this
 12 Daisy Mae Searight?
 13 A. Yes, sir.
 14 Q. And you were at her house. What did he tell
 15 your grandma?
 16 A. Nothing.
 17 Q. Did he tell your mother something?
 18 A. Yes, sir.
 19 Q. Where was your mother when all this was going
 20 on?
 21 A. She was in the house.
 22 Q. In your grandmother's house?
 23 A. Yes, sir.

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1 Q. What did he tell her?
 2 A. He said -- At first he told her to come down
 3 to the police station and get us. And then
 4 she said, I'll whip them.
 5 Q. So he said he was taking y'all -- Let me make
 6 sure I have this straight.
 7 Did he tell your mother he was going to
 8 take y'all to the police station?
 9 A. Yes, sir.
 10 Q. And what did your mother say to that?
 11 A. She said, you ain't got to take them; I'll
 12 whip them.
 13 Q. What happened after she said that?
 14 A. Then he -- we went in the house. Then she
 15 whipped us. Then she had lost her ring.
 16 Q. How did she lose her ring?
 17 A. While she was whipping us.
 18 Q. What did she whip you with?
 19 A. A belt.
 20 Q. Whose belt was it?
 21 A. My uncle probably. I don't know.
 22 Q. Did she whip all of you?
 23 A. Yes, sir.

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<p>1 Q. She whipped you? She whipped Jessica?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Did she whip Kela?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Did she whip Shane?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And she whipped Julisa?</p> <p>8 A. Yes, sir. She whipped all of us.</p> <p>9 Q. Tell me what happened after she whipped y'all</p> <p>10 with the belt.</p> <p>11 A. She had lost her ring. Then she was looking</p> <p>12 for her ring. Then he had found it, and then</p> <p>13 he said, I'll give you your ring back if you</p> <p>14 whip them again.</p> <p>15 Q. Was Officer Campbell inside the house when she</p> <p>16 was whipping y'all?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Did she whip y'all inside the house?</p> <p>19 A. Yes, sir.</p> <p>20 Q. What happened after he gave her the ring back?</p> <p>21 A. She had whipped us.</p> <p>22 Q. She whipped you again?</p> <p>23 A. Before he gave her the ring back, she whipped</p>	<p>1 other times that you've had contact with the</p> <p>2 police?</p> <p>3 A. I don't remember.</p> <p>4 Q. Is it possible that you've had any contact</p> <p>5 with the police about something?</p> <p>6 A. I don't know.</p> <p>7 Q. You don't know if you've ever gotten in</p> <p>8 trouble with the police before other than this</p> <p>9 time and the time that Officer Campbell had</p> <p>10 that encounter at your house?</p> <p>11 A. I can't remember.</p> <p>12 Q. We're here today because you said Officer</p> <p>13 Campbell choked you one time. Do you recall</p> <p>14 that day?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Do you recall when that happened?</p> <p>17 A. Sir?</p> <p>18 Q. Do you recall the day that it happened?</p> <p>19 A. I can't remember that.</p> <p>20 Q. Do you remember the month and year that it</p> <p>21 happened?</p> <p>22 A. No, sir.</p> <p>23 Q. Do you remember what time of year it was?</p>
Page 26	Page 28
<p>1 us.</p> <p>2 Q. How many times did she whip you?</p> <p>3 A. Two.</p> <p>4 Q. When you were doing -- you and your sister and</p> <p>5 cousins were out there flipping these lights</p> <p>6 off, did you know you were not supposed to be</p> <p>7 doing that?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Did you say anything to any of those other</p> <p>10 people that they weren't supposed to be doing</p> <p>11 that?</p> <p>12 A. Sir?</p> <p>13 Q. Did you say anything to any of these other</p> <p>14 people that they weren't supposed to be doing</p> <p>15 this?</p> <p>16 A. They already had knew.</p> <p>17 Q. They already had what?</p> <p>18 A. They already had known they ain't supposed to</p> <p>19 be doing it. They just doing it.</p> <p>20 Q. Did you do anything to try to stop them?</p> <p>21 A. No, sir.</p> <p>22 Q. Was that the only time that you've had any</p> <p>23 contact with the police or have there been any</p>	<p>1 A. Close to the wintertime.</p> <p>2 Q. What makes you think that it was close to</p> <p>3 wintertime?</p> <p>4 A. Because we just were fixing to get back in</p> <p>5 school.</p> <p>6 Q. You were getting ready to start back to</p> <p>7 school; is that correct?</p> <p>8 A. We was already in school.</p> <p>9 Q. Anything else you remember about the time of</p> <p>10 year this was?</p> <p>11 A. No, sir.</p> <p>12 Q. Since you had this incident with Officer</p> <p>13 Campbell where you've accused him of choking</p> <p>14 you, have you had any other contact with him?</p> <p>15 A. After that?</p> <p>16 Q. Yes.</p> <p>17 A. No, sir.</p> <p>18 Q. Other than the time that y'all were flipping</p> <p>19 the lights off on the people in the project</p> <p>20 and the time that you accused him of choking</p> <p>21 you, have you had any other contact or</p> <p>22 dealings with Officer Campbell?</p> <p>23 A. No, sir.</p>

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<p>1 Q. Those are the only two times that you've had 2 any dealings with him; is that right? 3 A. That I remember of. 4 Q. Do you think there might have been some other 5 times you've had contact with him that you 6 don't remember? 7 A. I don't remember. 8 MR. LEWIS: Object to the form. 9 Q. Is it possible that you've had other contact 10 with him? 11 MR. LEWIS: Object to the form. 12 A. Probably. 13 Q. What would that have been about? 14 A. I don't know. 15 Q. When would that have been? 16 A. I don't know. 17 Q. Before the incident with Officer Campbell 18 where you've accused him of choking you, have 19 you ever been to the hospital? 20 A. Sir? 21 Q. Before that time that you accused him of 22 choking you, going back before then, have you 23 ever gone to the hospital for any reason?</p>	<p>1 THE WITNESS: I don't know the name 2 of it. 3 Q. It's the hospital in Greenville? 4 A. Yes, sir. 5 Q. Do you know if that's the one they call 6 Stabler Hospital? 7 A. Yes, sir. 8 Q. What did they do to your feet while you were 9 in the hospital then? 10 A. I don't remember. 11 Q. You just remember you were in about a month? 12 A. Yes, sir. 13 Q. Any other times you've had to go to the 14 hospital? 15 A. When I had got hit with the bat right there. 16 Q. You were pointing to the top of your forehead 17 there? 18 A. Yes, sir. 19 Q. How did you get hit by a bat? 20 A. Playing baseball. 21 Q. Tell me what happened. 22 A. I was standing behind the bat. Then when the 23 person swung, he messed around and hit me with</p>
Page 30	Page 32
<p>1 A. Yes, sir. 2 Q. What was that for? 3 A. When I was -- got my feet cut. 4 Q. When was that that you had your feet cut? 5 A. A long time ago. 6 Q. How old were you then? 7 A. About five. 8 Q. How did you get your feet cut? 9 A. Running around playing. 10 Q. How did you cut them running around playing? 11 A. When I was playing with my friends. We were 12 running around playing. I messed around and 13 cut them on a nail. 14 Q. You went to the hospital? 15 A. Yes, sir. 16 Q. What happened when you went to the hospital? 17 A. I had to stay in the hospital. 18 Q. How long did you stay? 19 A. About a month. 20 Q. What hospital did you go to? 21 A. Greenville Hospital. 22 MR. LEWIS: Did you say Greenville 23 Hospital?</p>	<p>1 the bat. 2 Q. You didn't have a helmet on? 3 A. No, sir. 4 Q. What happened to your head when you got hit by 5 the bat? 6 A. It bust. 7 Q. Pardon me? 8 A. It bust. 9 Q. Your head bust or the bat bust? 10 A. My head. 11 Q. You went to the hospital then? 12 A. Yes, sir. 13 Q. What did they do at the hospital when you went 14 then? 15 A. They put stitches in. 16 Q. Which hospital did you go to? 17 A. The same one. 18 Q. The same one in Greenville? 19 A. Yes, sir. 20 Q. How long did you stay in the hospital that 21 time? 22 A. Till they stitched up my head. 23 Q. So you went to the emergency room, and they</p>

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<p>1 stitched it up and you went home?</p> <p>2 A. Yes, sir.</p> <p>3 Q. How old were you when that happened?</p> <p>4 A. About eleven.</p> <p>5 Q. Pardon me?</p> <p>6 A. About eleven.</p> <p>7 Q. Eleven?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Any other times you've been to the hospital?</p> <p>10 A. Yes, sir. When I got my knee busted open on</p> <p>11 the trampoline.</p> <p>12 Q. What happened to your knee on the trampoline?</p> <p>13 A. Flipping and hit the iron rail.</p> <p>14 Q. What did it do to your knee?</p> <p>15 A. They had to put clamps in it.</p> <p>16 Q. They had to put clamps in it?</p> <p>17 A. Yeah. Like them staple things.</p> <p>18 Q. So you cut your knee when you hit that rail?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Did they have to do anything else to your</p> <p>21 knee?</p> <p>22 A. No, sir.</p> <p>23 Q. How old were you when that happened?</p>	<p>1 A. I was talking, and then I messed around and</p> <p>2 flipped over.</p> <p>3 Q. Oh, okay. Just fell over?</p> <p>4 A. Yes, sir.</p> <p>5 Q. What hospital did you go to then?</p> <p>6 A. The one in Montgomery. I don't know the name</p> <p>7 of it. I can't call the name.</p> <p>8 Q. That's okay.</p> <p>9 What happened when you went to the</p> <p>10 hospital then?</p> <p>11 A. They put a cast on it.</p> <p>12 Q. Did they need to do anything else to your leg?</p> <p>13 A. They had to examine me and stuff.</p> <p>14 Q. Which leg was it that you broke?</p> <p>15 A. My left.</p> <p>16 Q. How long did you stay in that cast?</p> <p>17 A. About -- A long time.</p> <p>18 Q. Which knee was it that you hurt on the</p> <p>19 trampoline?</p> <p>20 A. My right one.</p> <p>21 Q. Any other times you've been to the hospital?</p> <p>22 A. Probably. Some of them I don't remember.</p> <p>23 Q. Anytime that you've been hurt that you had to</p>
Page 34	Page 36
<p>1 A. Twelve.</p> <p>2 Q. Did you go to the hospital in Greenville that</p> <p>3 time?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Any other times you've been to the hospital?</p> <p>6 A. Yes, sir.</p> <p>7 Q. When was that?</p> <p>8 A. When I got my leg broke.</p> <p>9 Q. When did you break your leg?</p> <p>10 A. When I was in elementary school.</p> <p>11 Q. How old were you when that happened?</p> <p>12 A. About nine.</p> <p>13 Q. How did you break your leg?</p> <p>14 A. On top of the sliding board talking and</p> <p>15 flipped over.</p> <p>16 Q. You were on the slide board?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And what happened while you were on the slide</p> <p>19 board?</p> <p>20 A. I was talking, and then I messed around and</p> <p>21 flipped over.</p> <p>22 Q. You were trying to do a flip off the side</p> <p>23 board or what?</p>	<p>1 go to the hospital?</p> <p>2 A. No, sir.</p> <p>3 Q. Any times you've been sick that you've had to</p> <p>4 go to the hospital?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Tell me about that.</p> <p>7 A. Like when I had a bad cold.</p> <p>8 Q. Did you go to the emergency room?</p> <p>9 A. No. I went to the doctor.</p> <p>10 Q. What doctor did you go to?</p> <p>11 A. Dr. Gold (phonetic).</p> <p>12 Q. Gold?</p> <p>13 A. Dr. Garth (phonetic) I mean.</p> <p>14 Q. I need you to say his last name again. I</p> <p>15 don't hear very well.</p> <p>16 A. Dr. Garth.</p> <p>17 Q. Where is his office?</p> <p>18 A. In Fort Deposit.</p> <p>19 Q. How many times have you been to see Dr. Garth</p> <p>20 when you've been sick?</p> <p>21 A. A lot of times.</p> <p>22 Q. What all have you been sick with?</p> <p>23 A. Chicken pox, the mumps, a cold, and that's all</p>

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1 I remember.
 2 Q. Any other doctors that you would go to?
 3 A. Yes, sir. One.
 4 Q. Who was that?
 5 A. Dr. Thomas.
 6 Q. Dr. Thomas?
 7 A. Yes, sir.
 8 Q. Where is his office?
 9 A. In Hayneville.
 10 Q. What did you go see him for?
 11 A. Get my pills.
 12 Q. What kind of pills?
 13 A. Hyperactive.
 14 Q. When did you start going to Dr. Thomas to get
 15 these pills?
 16 A. About a week or three or two weeks ago.
 17 Q. Have you ever been to see him before to get
 18 those pills?
 19 A. No, sir.
 20 Q. Have you ever been to any other doctor to get
 21 those pills?
 22 A. No, sir.
 23 Q. Have you been taking these pills now for two

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1 or three weeks?
 2 A. Yes, sir.
 3 Q. Do they affect your ability to listen to and
 4 understand my questions?
 5 A. No, sir.
 6 Q. Do they affect your ability to remember things
 7 and answer my questions?
 8 A. No, sir.
 9 Q. Are you taking any other kind of medicines now
 10 other than those pills?
 11 A. Headache pills and neck pills.
 12 Q. Who are you getting those pills from?
 13 A. I just started -- I got them from him. I just
 14 started getting the head pills.
 15 Q. That's from Dr. Thomas?
 16 A. Yes, sir.
 17 Q. And when did you start taking those?
 18 A. When he had gave them to me. I had to go and
 19 get them filled.
 20 Q. Was that two or three weeks ago the first time
 21 that he gave you or told you to start taking
 22 these pills for your headache and neck?
 23 A. No. He told me to take -- I already had some

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1 headache pills.
 2 Q. Who were you getting -- Let me ask this
 3 question better.
 4 What doctor was it that told you to take
 5 those headache pills?
 6 A. Dr. Garth.
 7 Q. What kind of pills has Dr. Garth got you
 8 taking for your headache?
 9 A. I don't know.
 10 Q. Does he have you taking different pills for
 11 your neck or is it the same pills?
 12 A. The same.
 13 Q. Dr. Thomas, does he have you taking the same
 14 pills for your headache and your neck?
 15 A. I don't know.
 16 Q. Well, do you take different pills for your
 17 headache and different pill for your neck or
 18 is it the same pills for both?
 19 A. Different.
 20 Q. Are you taking any of those pills today?
 21 A. Yes, sir.
 22 Q. Did you take some this morning?
 23 A. Yes, sir.

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1 Q. Do those pills interfere with you hearing and
 2 understanding the questions that I'm asking
 3 you?
 4 A. No, sir.
 5 Q. Did those pills interfere with your ability to
 6 remember things and answer my questions?
 7 A. No, sir.
 8 Q. Other than Dr. Garth and Dr. Thomas, any other
 9 doctors that you've been to?
 10 A. No, sir.
 11 Q. In the last, say, two or three years, have
 12 there been any other doctors at all that
 13 you've seen for anything?
 14 A. No, sir.
 15 Q. Who is your dentist?
 16 A. I don't know.
 17 Q. When is the last time you've been to the
 18 dentist?
 19 A. I don't remember.
 20 Q. Have you ever been to the dentist?
 21 A. Yes, sir.
 22 Q. Have you ever had your eyes checked?
 23 A. Yes, sir.

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<p>1 Q. Who checked your eyes?</p> <p>2 A. The school. The people that came to the</p> <p>3 school.</p> <p>4 Q. Have you ever had your hearing checked?</p> <p>5 A. Yes, sir. My ears? Yes, sir.</p> <p>6 Q. Who has checked your hearing?</p> <p>7 A. The school with the people. All the children</p> <p>8 had to get their ears and stuff checked.</p> <p>9 Q. Are you in any type of pain today that</p> <p>10 interferes with your ability to sit here and</p> <p>11 listen to and understand my questions?</p> <p>12 A. Sir?</p> <p>13 Q. Are you having any type of pain today? Are</p> <p>14 you hurting anywhere that interferes -- so bad</p> <p>15 that it interferes with your ability to listen</p> <p>16 to and hear and understand my questions?</p> <p>17 A. No, sir.</p> <p>18 Q. Are you having any type of pain today that</p> <p>19 interferes with your ability to remember</p> <p>20 things and answer my questions?</p> <p>21 A. No, sir.</p> <p>22 Q. Going back, I'll ask you some questions now</p> <p>23 about this incident you had with Officer</p>	<p>1 said hmm, and then I walked off to the other</p> <p>2 side. And then he said, don't say nothing</p> <p>3 else. Then I said something else, and then he</p> <p>4 came over there. And then he had tried to put</p> <p>5 the handcuffs on me. Then I moved and then he</p> <p>6 grabbed me.</p> <p>7 Q. Anything else?</p> <p>8 A. That's all I remember.</p> <p>9 Q. Who were you playing spades with?</p> <p>10 A. I wasn't playing. They were playing.</p> <p>11 Q. Who is "they"?</p> <p>12 A. My auntie, my unde -- I call her my auntie --</p> <p>13 Melissa, Laura, Dually, Travis, Pap.</p> <p>14 Q. Hold on just a second. What is your auntie's</p> <p>15 name?</p> <p>16 A. Melissa.</p> <p>17 Q. What's your uncle's name?</p> <p>18 A. Pap.</p> <p>19 Q. Pal?</p> <p>20 A. Pap.</p> <p>21 Q. Pep?</p> <p>22 A. His real name?</p> <p>23 Q. Uh-huh (positive response).</p>
Page 42	Page 44
<p>1 Campbell. Where did that take place?</p> <p>2 A. On North Pollard Street.</p> <p>3 Q. Where on North Pollard Street?</p> <p>4 A. In my uncle house.</p> <p>5 Q. Your uncle's house?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Where is your uncle's house compared to where</p> <p>8 your house is?</p> <p>9 A. Not that far.</p> <p>10 Q. Is it right next door or is it several houses</p> <p>11 away?</p> <p>12 A. Several houses away.</p> <p>13 Q. Tell me what happened on that day between you</p> <p>14 and Officer Campbell.</p> <p>15 A. We was out there sitting on -- playing -- they</p> <p>16 were playing spades or some -- They were</p> <p>17 playing cards, spades. And then he had</p> <p>18 went -- we -- I had stuck up a bird at</p> <p>19 somebody else. And then he had went down the</p> <p>20 road and came back and pulled in and got out</p> <p>21 of the car and said -- and start talking --</p> <p>22 talking to me and said somebody going be the</p> <p>23 one -- somebody going to hurt you. Then I</p>	<p>1 A. Tomeka (phonetic).</p> <p>2 Q. Tomeka?</p> <p>3 A. Yes, sir.</p> <p>4 Q. What's his last name?</p> <p>5 A. Searight.</p> <p>6 Q. Who else was out there?</p> <p>7 A. Pearlle Mae.</p> <p>8 Q. What is Pearlle Mae's last name?</p> <p>9 A. Pearlle Mae? Pearlle -- I don't know.</p> <p>10 Q. What's Dually's name? What's the rest of his</p> <p>11 name?</p> <p>12 A. That's the last name, Pearlle Mae.</p> <p>13 Q. Pearlle Mae Dually?</p> <p>14 A. Yes, sir. That's her nickname.</p> <p>15 Q. Her nickname is Dually?</p> <p>16 A. Yes, sir.</p> <p>17 Q. You don't know her last name?</p> <p>18 A. No, sir.</p> <p>19 Q. Who else was out there?</p> <p>20 A. Laura Walker.</p> <p>21 Q. Who?</p> <p>22 A. Laura Walker.</p> <p>23 Q. Laura Walker?</p>

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<p>1 A. Yes, sir.</p> <p>2 Q. Who else?</p> <p>3 A. James Searight.</p> <p>4 Q. Who else?</p> <p>5 A. Them all I remember. And Tanquita Searight.</p> <p>6 Q. Anybody else?</p> <p>7 A. That all I remember.</p> <p>8 Q. So there was your auntie and your uncle and</p> <p>9 Melissa and Pep Searight?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And then there was Pearlie Mae, whose nickname</p> <p>12 is Dually?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Is she any kin to you?</p> <p>15 A. Not if I know.</p> <p>16 Q. Then Laura Walker, is she any kin to you?</p> <p>17 A. Yes, sir.</p> <p>18 Q. What kin is she?</p> <p>19 A. My grandma is her grandma -- her mama auntie.</p> <p>20 Q. Is James Searight kin to you?</p> <p>21 A. Yes, sir.</p> <p>22 Q. What kin is he to you?</p> <p>23 A. His grandma and my grandma sisters.</p>	<p>1 A. They was playing for money, but when I walked</p> <p>2 up there they was playing spades. Then they</p> <p>3 started playing for money.</p> <p>4 Q. What were they playing for money?</p> <p>5 A. Sir?</p> <p>6 Q. What card game were they playing for money?</p> <p>7 A. Duce (phonetic).</p> <p>8 Q. Was there any money on the table?</p> <p>9 A. No, sir.</p> <p>10 Q. Or any chips on the table?</p> <p>11 A. Huh-uh (negative response). The money was on</p> <p>12 the table. But then when the police came,</p> <p>13 they got the money off the table.</p> <p>14 Q. Was anybody drinking anything?</p> <p>15 A. No, sir.</p> <p>16 Q. Anybody drinking any beer or wine or liquor?</p> <p>17 A. No, sir.</p> <p>18 Q. Anybody smoking anything?</p> <p>19 A. No, sir.</p> <p>20 Q. Anybody smoking any weed?</p> <p>21 A. No, sir.</p> <p>22 Q. What time of day was this?</p> <p>23 A. About afternoon.</p>
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<p>1 Q. Tanquita Searight, what kin is she to you?</p> <p>2 A. My first cousin.</p> <p>3 Q. Where were they playing these cards?</p> <p>4 A. Right there in the driveway like.</p> <p>5 Q. Was that under a carport or just in the</p> <p>6 driveway?</p> <p>7 A. In the like driveway.</p> <p>8 Q. Were they playing on a table of some kind?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Who all was actually playing cards?</p> <p>11 A. Dually, Laura and Tan. That was it.</p> <p>12 Q. Just three of them were playing cards or four</p> <p>13 of them?</p> <p>14 A. Four.</p> <p>15 Q. You said Dually and Laura and Tanquita. Who</p> <p>16 was the fourth person?</p> <p>17 A. Melissa.</p> <p>18 Q. Was anybody playing for money?</p> <p>19 A. I don't -- they probably -- When I had walked</p> <p>20 up there, they were playing spades. And then</p> <p>21 next thing I know, they was playing for money.</p> <p>22 Q. I didn't understand your last answer. What</p> <p>23 did you say?</p>	<p>1 Q. Was it dark yet or was it still light out?</p> <p>2 A. Still light out.</p> <p>3 Q. When did you first see Officer Campbell?</p> <p>4 A. When we was out there talking and then rode</p> <p>5 down the road.</p> <p>6 Q. You were at this card game when you first saw</p> <p>7 him?</p> <p>8 A. Yes, sir.</p> <p>9 Q. You were standing -- Was this in your uncle's</p> <p>10 yard, his driveway?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Was that where you were when it happened?</p> <p>13 A. Yes, sir.</p> <p>14 Q. That's when you first saw Officer Campbell</p> <p>15 drive by was when you were there?</p> <p>16 A. Yes, sir.</p> <p>17 Q. What happened when he drove by?</p> <p>18 A. I was sticking a bird up.</p> <p>19 Q. What do you mean by sticking a bird up?</p> <p>20 A. I was sticking a bird, not at him.</p> <p>21 Q. Like sticking your middle finger out?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And who did you stick your finger out at?</p>

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1 A. My auntie.
 2 Q. Your auntie?
 3 A. Yes, sir.
 4 Q. Do you always stick your finger out or do you
 5 frequently stick your -- give a bird to your
 6 auntie?
 7 A. We was joking. She was across the road.
 8 Q. She was across the road? Which auntie was
 9 this?
 10 A. Willie Nell Searight.
 11 Q. Willie Nell Searight?
 12 A. Yes, sir.
 13 Q. Why did you decide to give a bird to your
 14 auntie Willie Nell Searight?
 15 A. Because we was joking.
 16 Q. And what were you joking about?
 17 A. Just was joking.
 18 Q. What was the joke?
 19 A. They were talking about -- Can't remember.
 20 Can't remember the joke. They were joking on
 21 me, though. She was.
 22 Q. Who was joking on you?
 23 A. My auntie.

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1 Q. Which one?
 2 A. Willie Nell Searight.
 3 Q. She was across the road and she was joking at
 4 you?
 5 A. Yes, sir.
 6 Q. How far away from you was she when you gave
 7 her the bird?
 8 A. Not that far. Right across the road.
 9 Q. When you were around these folks playing cards
 10 at your uncle's, how far away from the street
 11 was this table where they were playing?
 12 A. It was -- You could see it from the road
 13 almost.
 14 Q. Well, how far back from the road was the
 15 table?
 16 A. About five -- About one or three feet.
 17 Q. One or three feet from the road?
 18 A. Yes, sir.
 19 Q. About one step away from the road?
 20 A. No. It was like -- It was like the fence
 21 right there, and then you go around the fence
 22 and then you're right there.
 23 Q. How many steps would you have to take to get

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1 from the road to where that table was?
 2 A. I don't know.
 3 Q. How wide is the road there?
 4 A. The road in the yard?
 5 Q. No. I'm talking about the road that runs in
 6 front of the yard.
 7 A. Not that wide.
 8 Q. How many steps would it take you to get across
 9 the road?
 10 A. About five.
 11 Q. Was that road wide enough for cars to pass
 12 each other at the same time?
 13 A. Yes, sir. It's a road going down, and then
 14 you got to turn in and then turn in again.
 15 Q. How far away from you was your auntie Willie
 16 Nell Searight when you gave her the bird?
 17 A. Not that far, though.
 18 Q. Well, was she directly across the street from
 19 you?
 20 A. Yes, sir. Like right there -- She was in the
 21 yard talking.
 22 Q. Who was she talking with?
 23 A. My uncle. Then she said something about me,

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1 and then I stuck the bird.
 2 Q. What's the name of your uncle she was talking
 3 with?
 4 A. Bubba.
 5 Q. What's Bubba's last name?
 6 A. Searight.
 7 Q. Was she in her and Bubba's yard?
 8 A. My uncle Charlie Mason yard.
 9 Q. She was in the yard of your uncle Charlie
 10 Searight?
 11 A. Yes, sir.
 12 Q. Which side of this card table were you on when
 13 you shot the bird at your auntie?
 14 A. Like behind the table standing up in the
 15 middle -- in between the people.
 16 Q. So the table was between you and the road?
 17 A. No. In between the gate -- It was a gate that
 18 they had put up. We were behind that gate.
 19 Q. Let me do something to help me understand
 20 that. Can you draw a picture of where the
 21 driveway was, this fence, the table, the road
 22 and where your auntie was when you shot her
 23 the bird?

13 (Pages 49 to 52)

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1 A. I can't draw.
 2 Q. You can't draw a diagram of where that was?
 3 A. (Witness nods head negatively.) No, sir.
 4 Q. Where was Officer Campbell when you --
 5 A. Going down the road.
 6 Q. Where was he going down the road in relation
 7 to where you were when you gave this bird to
 8 your auntie?
 9 A. He was -- It two roads, though. He was on the
 10 road where you had to go down to get to it to
 11 go somewhere else. I'm talking about the
 12 road -- he was on the road -- that road,
 13 and -- The road you had to walk across, that
 14 road he was on.
 15 Q. The one you had to walk across to get to where
 16 your auntie was?
 17 A. Yes, sir.
 18 Q. And when you stuck this finger up there to
 19 give your auntie the bird, how long did you
 20 hold it up there?
 21 A. Not that long.
 22 Q. Was that the first time you had done that that
 23 afternoon?

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1 A. Did what?
 2 Q. Shot a bird at your auntie.
 3 A. No, sir, that wasn't the first time.
 4 Q. When was the other time you did it?
 5 A. A lot of time she be messing with me.
 6 Q. She didn't get mad at you when you did that?
 7 A. No, sir.
 8 Q. Did you see Officer Campbell turn around?
 9 A. No, sir.
 10 Q. How long was it before he came back to where
 11 you were?
 12 A. About 30 minutes.
 13 Q. What all did you do in that 30 minutes between
 14 the time he drove by and the time he came
 15 back?
 16 A. Sitting there just talking.
 17 Q. Were the same people that were there when he
 18 drove by the first time and you shot that
 19 bird, were they still there when he came back
 20 30 minutes later?
 21 A. Yes, sir.
 22 Q. Where were your mother and father when this
 23 was going on?

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1 A. At home.
 2 Q. What happened when Officer Campbell drove back
 3 up?
 4 A. He pulled in there.
 5 Q. He what?
 6 A. He pulled in the yard.
 7 Q. Pulled into the yard?
 8 A. Yes, sir.
 9 Q. Was he in the driveway?
 10 A. He had pulled in. Then he came down and then
 11 he turned in.
 12 Q. Where did he park his car?
 13 A. Like -- He didn't park inside the driveway.
 14 He parked like going down.
 15 Q. Was he on the street or was he in the
 16 driveway?
 17 A. In the roadlike.
 18 Q. So he parked on the road?
 19 A. Not the highway. It was another road you had
 20 to come down and then turn. It was like a
 21 trailer park.
 22 Q. Was this a trailer park or were these houses?
 23 A. Trailers.

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1 Q. Was the car that he was in one of these police
 2 cars with the lights --
 3 A. Yes, sir.
 4 Q. -- and stuff written on it?
 5 A. Yes, sir.
 6 Q. You could tell that when you first saw it?
 7 A. Yes, sir.
 8 Q. You knew it was a police car?
 9 A. (Witness nods head positively.)
 10 Q. I need you to answer.
 11 A. Yes, sir.
 12 Q. Was he in a police uniform?
 13 A. Yes, sir.
 14 Q. Did you know he was a policeman?
 15 A. Yes, sir.
 16 Q. What happened after he parked his car?
 17 A. He got out.
 18 Q. What did he do next? Tell me everything he
 19 did after that.
 20 A. He started talking to me.
 21 Q. Where were you when he was talking to you?
 22 A. Right there in front. Then I walked to the
 23 other side of the table.

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1 Q. Were you still on the far side of the table
2 when he started talking to you?
3 A. I was in the front when he first started
4 talking to me.
5 Q. Was everybody else still there playing cards
6 or watching them play cards?
7 A. Yes, sir. They had stopped.
8 Q. Where was Officer Campbell standing when he
9 was talking to you?
10 A. He had walked -- He was walking up. Then he
11 stop and then he talk.
12 Q. This was at your uncle Pep Searight's yard
13 that he was in?
14 A. Yes, sir.
15 Q. That was where you were?
16 A. Yes, sir.
17 Q. And he started talking to you. What did he
18 say when he started talking to you?
19 A. He said -- I can't remember. He said somebody
20 going to hurt you if you don't change, boy.
21 Then I said hmm. Then I walked off, and then
22 I walked on the other side of the table. And
23 then he said, don't open your mouth no more.

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1 And I said something else.
2 Q. Now, tell me -- I didn't understand you. Tell
3 me what he said when you walked to the other
4 side of the table.
5 A. Don't open your mouth no more.
6 Q. I still don't understand you. Can you tell me
7 that again?
8 A. He said don't open your mouth no more.
9 Q. Don't what?
10 A. Open your mouth.
11 Q. Don't open your mouth no more. Okay.
12 What happened after that?
13 A. I said something else.
14 Q. What did you say?
15 A. I said hmm. I said something again, so --
16 Q. What did you tell him?
17 A. I ain't said nothing to him. I just opened my
18 mouth and said hmm.
19 Q. What did you say to him the first time when he
20 walked up?
21 A. I ain't -- Nobody ain't seen my daddy.
22 Q. Did you tell him anything else?
23 A. That was it. And I walked to the other side

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1 of the table.
2 Q. What happened after you walked to the other
3 side of the table?
4 A. He told me not to open my mouth. Then I
5 opened it anyway.
6 Q. So when you opened it again, what did you say?
7 A. Hmm.
8 Q. Didn't say anything else?
9 A. I just -- I said hmm.
10 Q. After that what happened?
11 A. He walked over there and tried to put me in
12 the handcuffs. Then I moved.
13 Q. Did he tell you why he was putting the
14 handcuffs on you?
15 A. No, sir.
16 Q. Where was everybody else when he was trying to
17 put the handcuffs on you?
18 A. Right there.
19 Q. Tell me how he tried to put the handcuffs on
20 you.
21 A. He just grabbed my hand and grabbed the
22 handcuffs, and then I snatched away and moved.
23 Q. Why did you snatch away and move?

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1 A. Because I didn't know why he was putting the
2 handcuffs on me. He said he was putting them
3 on for me.
4 Q. I'm sorry. I need you to explain that. You
5 said he was going to put the handcuffs on you
6 and you snatched away, and then you said you
7 didn't know he was going to put the handcuffs
8 on you.
9 A. I said when he tried to put the handcuffs on
10 me, I snatched away because I didn't know what
11 he trying to put the handcuffs on me for.
12 Q. Because you didn't know what he was going to
13 put them on you for? Is that what you're
14 saying?
15 A. Yes, sir.
16 Q. What happened next?
17 A. Then I moved. Then he grabbed me around the
18 neck.
19 Q. Where did you move to?
20 A. By the car.
21 Q. Which car?
22 A. My auntie mother car.
23 Q. When you snatched your hand away and moved

15 (Pages 57 to 60)

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<p>1 away, did you hit him?</p> <p>2 A. No, sir.</p> <p>3 Q. Is it possible that in slinging your arm</p> <p>4 around that you hit him by accident?</p> <p>5 A. No, sir.</p> <p>6 Q. You're saying absolutely that you did not hit</p> <p>7 him or touch him in any way?</p> <p>8 A. No, sir.</p> <p>9 Q. Let me ask that question a little bit</p> <p>10 differently.</p> <p>11 Did you touch or hit him in any way during</p> <p>12 this?</p> <p>13 A. Not if I know of.</p> <p>14 Q. Is it possible that you could have?</p> <p>15 MR. LEWIS: Object to the form.</p> <p>16 Q. Do you think it's possible that you</p> <p>17 accidentally hit him?</p> <p>18 MR. LEWIS: Object to the form.</p> <p>19 A. I don't know.</p> <p>20 Q. Did you say anything to him when you moved</p> <p>21 away from him?</p> <p>22 A. No, sir.</p> <p>23 Q. After you moved away from him, tell me what</p>	<p>1 Q. Did you ever pass out?</p> <p>2 A. No, sir.</p> <p>3 Q. Were you standing up the whole time?</p> <p>4 A. No, sir. I was -- He had me squat when he was</p> <p>5 choking me.</p> <p>6 Q. How did he have you squat?</p> <p>7 A. He had me and he was like this, and then he</p> <p>8 was bending down like.</p> <p>9 Q. So he had one arm around your neck --</p> <p>10 A. And the other one he had on his hand.</p> <p>11 Q. He had the other arm on his hand?</p> <p>12 A. Like this.</p> <p>13 Q. So he had one arm around your neck and the</p> <p>14 other arm holding the hand around your neck.</p> <p>15 Is that what you're saying?</p> <p>16 A. It was like this.</p> <p>17 Q. She can't take down the motions you're</p> <p>18 making. That's why I'm trying to get you to</p> <p>19 describe it in words.</p> <p>20 A. He had like his arm around my neck holding on</p> <p>21 with his hand tight.</p> <p>22 Q. Was that before or after he put the handcuffs</p> <p>23 on you?</p>
Page 62	Page 64
<p>1 happened next</p> <p>2 A. Then I messed around and moved and then he</p> <p>3 grabbed me around the neck.</p> <p>4 Q. The first place he grabbed you was around the</p> <p>5 neck?</p> <p>6 A. Yes, sir.</p> <p>7 Q. What happened next?</p> <p>8 A. Then he said -- Then I was trying to move, and</p> <p>9 then he said, boy, stop moving; I'll put you</p> <p>10 to sleep.</p> <p>11 Q. What did you say?</p> <p>12 A. I ain't said nothing. Then --</p> <p>13 Q. Did you stop moving?</p> <p>14 A. Yes, sir. Then my auntie said, let him put</p> <p>15 the handcuffs on you.</p> <p>16 Q. Did he put the handcuffs on you?</p> <p>17 A. Yes, sir.</p> <p>18 Q. What happened then?</p> <p>19 A. Then my daddy came and told him to take the</p> <p>20 handcuffs off me.</p> <p>21 Q. Did he ever put you to sleep?</p> <p>22 A. No, sir. Because I had stopped moving. He</p> <p>23 put the handcuffs on me.</p>	<p>1 A. Before he put the handcuffs on me.</p> <p>2 Q. And you ended up squatting down?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And were you sitting or squatting?</p> <p>5 A. Squatting.</p> <p>6 Q. So your feet were still flat on the ground?</p> <p>7 A. Yes, sir.</p> <p>8 Q. When did he put the handcuffs on you?</p> <p>9 A. When I stopped moving.</p> <p>10 Q. Which of your aunties said to you to let him</p> <p>11 put the handcuffs on you?</p> <p>12 A. Melissa.</p> <p>13 Q. What happened after he put the handcuffs on</p> <p>14 you?</p> <p>15 A. He had took me to the police car. Then my</p> <p>16 daddy came then.</p> <p>17 Q. He took you to the police car and did what?</p> <p>18 A. He had me standing by the police car. Then my</p> <p>19 daddy came.</p> <p>20 Q. Did he say anything to you while all this was</p> <p>21 going on?</p> <p>22 A. No, sir.</p> <p>23 Q. You said a little while ago that he said</p>

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1 something that somebody could hurt you if you
 2 do that or somebody might hurt you if you do
 3 that.
 4 A. I was talking about -- That happened before he
 5 choked me.
 6 Q. What did you understand him to mean by that,
 7 that you shot a bird at somebody, they might
 8 get angry and hurt you?
 9 MR. LEWIS: Object to the form.
 10 A. I didn't know what he was talking about.
 11 Q. Were you scared of Officer Campbell?
 12 A. Sir?
 13 Q. Were you scared of Officer Campbell while all
 14 this was going on?
 15 A. No, sir.
 16 Q. Anything make you scared while you were out
 17 there that time?
 18 A. Sir?
 19 Q. Did anything make you scared while you were
 20 out there that time?
 21 A. Yes, sir.
 22 Q. What was that?
 23 A. When he was coming toward me.

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1 Q. You just said you were not scared of him, and
 2 now you said you were scared when he was
 3 coming toward you. What do you mean?
 4 A. Talking about like when he was talking loud
 5 and walking toward me.
 6 Q. That's when you were scared of him, when he
 7 was walking towards you?
 8 A. Yes, sir.
 9 Q. Why were you scared of him?
 10 A. Because I didn't know.
 11 Q. Because you didn't know what?
 12 A. What he going to do.
 13 Q. Why did you think he was going to do anything?
 14 A. I don't know. I didn't know what he was
 15 coming toward me for so that mean I was
 16 scared.
 17 Q. Say that again.
 18 A. I didn't know what he was coming toward me
 19 for.
 20 Q. What did you think he was coming towards you
 21 for?
 22 A. I don't know.
 23 Q. Anything else that made you scared out there?

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1 A. Yes, sir.
 2 Q. What was that?
 3 A. When he choked me and tried to put the
 4 handcuffs on me.
 5 Q. When he had his arm around your neck, could
 6 you still breathe?
 7 A. Not that much.
 8 Q. But you could still breathe, though, right?
 9 A. Yes, sir.
 10 (Brief off-the-record discussion
 11 followed by a brief recess.)
 12 Q. (Continuing by Mr. Dukes) The last question I
 13 had asked you was could you still breathe when
 14 Officer Campbell had his arm around your neck,
 15 and you said that you could.
 16 MR. LEWIS: Object to the form to
 17 the extent that was the question.
 18 Q. Did you ever use any profanity toward Officer
 19 Campbell when he was approaching you for the
 20 first time there?
 21 A. No, sir.
 22 Q. Did you ever tell him fuck you; you ain't my
 23 daddy?

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1 A. No, sir.
 2 Q. Did you say any words to that effect?
 3 A. No, sir.
 4 Q. If a witness said that you said that, would
 5 they just be mistaken?
 6 A. Yes, sir.
 7 Q. So you're positive that you didn't say any
 8 words to that effect?
 9 A. Yes, sir.
 10 Q. How long was it after you had the handcuffs on
 11 that your daddy first came up?
 12 A. About 30 or 40 minutes.
 13 Q. So you stood there with or squatted there -- I
 14 believe you said you were squatting; is that
 15 right?
 16 A. Yes, sir.
 17 Q. You were squatting there with Officer Campbell
 18 for 30 or 40 minutes before your daddy came
 19 up?
 20 A. Yes, sir.
 21 Q. What happened when your daddy came up?
 22 A. He told him to take the handcuffs off me.
 23 Q. Did he say anything else?

17 (Pages 65 to 68)

Page 69	Page 71
<p>1 A. No, sir.</p> <p>2 Q. What did Officer Campbell say to your daddy?</p> <p>3 A. He said -- I don't know. He said something.</p> <p>4 Q. Did you say anything to Officer Campbell while</p> <p>5 you had the handcuffs on?</p> <p>6 A. No, sir.</p> <p>7 Q. Did you threaten to kill him after he took the</p> <p>8 handcuffs off?</p> <p>9 A. No, sir.</p> <p>10 Q. Did Officer Campbell take the handcuffs off</p> <p>11 after your daddy got there?</p> <p>12 A. Sir?</p> <p>13 Q. Did Officer Campbell take the handcuffs off at</p> <p>14 some point after your daddy came up to where</p> <p>15 you were?</p> <p>16 A. Yes, sir.</p> <p>17 Q. What kind of words were exchanged between your</p> <p>18 daddy and Officer Campbell? What do you</p> <p>19 recall them saying to each other?</p> <p>20 A. I just heard my daddy said take the handcuffs</p> <p>21 off.</p> <p>22 Q. Did you hear your daddy say anything else to</p> <p>23 Officer Campbell?</p>	<p>1 Q. Were the handcuffs -- Were your hands cuffed</p> <p>2 behind your back or in front of your body?</p> <p>3 A. Behind my back.</p> <p>4 Q. Was there anything about the way the handcuffs</p> <p>5 were put on you that caused you any problems</p> <p>6 or any pain?</p> <p>7 A. Yes, sir.</p> <p>8 Q. How was that?</p> <p>9 A. They were too tight.</p> <p>10 Q. Did you ever tell Officer Campbell they were</p> <p>11 too tight?</p> <p>12 A. I ain't said nothing.</p> <p>13 Q. Did you ever tell Officer Campbell that you</p> <p>14 couldn't breathe?</p> <p>15 A. No, sir.</p> <p>16 Q. Did you continue to struggle with him or fight</p> <p>17 with him after he had the handcuffs on you?</p> <p>18 A. I ain't --</p> <p>19 MR. LEWIS: Object to the form.</p> <p>20 A. I wasn't moving or nothing.</p> <p>21 Q. You didn't move at all after he got the</p> <p>22 handcuffs on you?</p> <p>23 A. No, sir.</p>
Page 70	Page 72
<p>1 A. No, sir. I ain't -- I don't recall nothing.</p> <p>2 Q. I'm sorry. What did you say?</p> <p>3 A. I don't remember nothing I heard. I probably</p> <p>4 did. I probably hear.</p> <p>5 Q. Do you recall anything that Officer Campbell</p> <p>6 said to your daddy?</p> <p>7 A. I don't know.</p> <p>8 Q. You don't know if he said anything or you</p> <p>9 don't know if you remember anything?</p> <p>10 A. I probably don't remember what they said.</p> <p>11 Q. Well, I want you to try and remember as best</p> <p>12 you can here, and take a few minutes if you</p> <p>13 need to, because I don't want to go to court</p> <p>14 and all the sudden you say I remember they</p> <p>15 said something. So I want you to think here</p> <p>16 and try to recall the best you can any kind of</p> <p>17 conversation or words that took place between</p> <p>18 your daddy and Officer Campbell.</p> <p>19 A. That all I remember. Can't remember.</p> <p>20 Q. How long was it after your daddy came up</p> <p>21 before Officer Campbell took the handcuffs off</p> <p>22 of you?</p> <p>23 A. Not that long.</p>	<p>1 Q. Were you ever sitting on the ground after he</p> <p>2 got the handcuffs on you?</p> <p>3 A. No, sir.</p> <p>4 Q. What happened after Officer Campbell took the</p> <p>5 handcuffs off of you?</p> <p>6 A. My mama took me home.</p> <p>7 Q. Did your mother come up to the scene at some</p> <p>8 time?</p> <p>9 A. She came when my daddy came.</p> <p>10 Q. What did your mama say when she got to the --</p> <p>11 up to where this was going on?</p> <p>12 A. I went -- I ain't -- wasn't paying attention</p> <p>13 to her. I was paying attention to my father.</p> <p>14 Q. Did you go straight home after he took the</p> <p>15 handcuffs off of you?</p> <p>16 A. Yes, sir. I walked home.</p> <p>17 Q. You walked home?</p> <p>18 A. My mama and daddy were holding me.</p> <p>19 Q. How were they holding you?</p> <p>20 A. Holding me up.</p> <p>21 Q. How were they holding you up?</p> <p>22 A. With their arms.</p> <p>23 Q. Where did they have their arms on you?</p>

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1 A. Around my waist and stuff.
 2 Q. Why, if you know, did they have their arms
 3 around your waist?
 4 A. Sir?
 5 Q. Why did they have their arms around your
 6 waist?
 7 A. So I couldn't fall.
 8 Q. Why would you fall?
 9 A. Because I could hardly breathe then.
 10 Q. Why are we having trouble breathing then?
 11 A. I don't know.
 12 Q. After your mother got there, did you go over
 13 and stand by her for a period of time?
 14 A. No, sir.
 15 Q. After she got there and Officer Campbell took
 16 the handcuffs off, did you ever tell Officer
 17 Campbell that I'm going to kill you?
 18 A. No, sir.
 19 Q. Did you ever tell him any words to that
 20 effect?
 21 A. No, sir.
 22 Q. Did you ever tell him if you saw him without a
 23 uniform on, you're going to kill him?

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1 A. No, sir.
 2 Q. You didn't say anything to that effect?
 3 A. No, sir.
 4 Q. How far was it back to your house from where
 5 this took place?
 6 A. A good little walk like.
 7 Q. How long did it take you to walk from where
 8 this happened to your house?
 9 A. A good little time.
 10 Q. Do you know how long a good little time is?
 11 A. No, sir.
 12 Q. Do you know how long it is in distance from
 13 where this -- or how far it is in distance
 14 from where this happened to your house?
 15 A. No, sir.
 16 Q. How many houses away --
 17 A. About four or five.
 18 Q. About four or five houses away from your house
 19 is where this took place?
 20 A. Yes, sir.
 21 Q. And you walked back from there to your house?
 22 A. Yes, sir.
 23 Q. Did you say anything at all to Officer

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1 Campbell after he took the handcuffs off of
 2 you?
 3 A. No, sir.
 4 Q. Did your parents say anything to you after
 5 they got on the scene?
 6 A. Sir?
 7 Q. Did your parents say -- mom and dad say
 8 anything to you after they got up to where all
 9 this was going on?
 10 A. Let me see. My mama said -- asked me what I
 11 was doing.
 12 Q. What did you tell her you were doing?
 13 A. Nothing.
 14 Q. Told her you were doing nothing?
 15 A. Yes, sir.
 16 Q. What else did you say with your mother?
 17 A. That all I remember saying.
 18 Q. Did your daddy say anything to you?
 19 A. Not I remember.
 20 Q. What did you say to your daddy?
 21 A. Nothing.
 22 Q. When is the first time you had any
 23 conversation, then, with your mother and daddy

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1 after this incident?
 2 A. When we went -- got home. Went to the house,
 3 and then they called the ambulance.
 4 Q. What kind of conversation did you have with
 5 your mother and daddy after you got to the
 6 house?
 7 A. My daddy asked me what you doing up there
 8 anyway.
 9 Q. What did you tell him?
 10 A. I said nothing.
 11 Q. You said what?
 12 A. Nothing.
 13 Q. Nothing?
 14 What else did you and your mother and your
 15 daddy talk about when you got back to the
 16 house?
 17 A. That was it, I remember.
 18 Q. Who called the ambulance?
 19 A. My neighbor.
 20 Q. What neighbor is that?
 21 A. Trisha Ann.
 22 Q. Trisha who?
 23 A. Trisha Ann

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1 Q. Tell me that last name again
 2 A. Trisha Ann.
 3 Q. Do you know how to spell that last name?
 4 A. I don't know that her last name or not.
 5 Q. Why did your neighbor call the ambulance?
 6 A. Because -- I don't -- Because I couldn't
 7 hardly breathe.
 8 Q. Did you tell her you couldn't breathe?
 9 A. I told my parents.
 10 Q. What did you tell your parents about
 11 breathing?
 12 A. I told them I couldn't hardly breathe.
 13 Q. Did you tell that to your mother or daddy or
 14 both of them?
 15 A. Both of them.
 16 Q. When did you first tell them that?
 17 A. When we was at home.
 18 Q. Why were you having trouble breathing?
 19 A. Because my neck.
 20 Q. What was wrong with your neck?
 21 A. Like my goose pipe was stopped up, something
 22 like stopped up.
 23 Q. Your what pipe was stopped up?

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1 A. Goose pipe, like it was stopped up.
 2 Q. What did it feel like it was stopped up with?
 3 A. Slob and stuff.
 4 Q. Stopped up with what?
 5 A. Slob.
 6 Q. Sludge?
 7 A. Slob.
 8 Q. I still don't understand. Slob?
 9 A. Yes, sir.
 10 Q. So it felt like it was stopped up with slob?
 11 A. Yes, sir.
 12 Q. How long after you got back to the house was
 13 it before the ambulance was called?
 14 A. I don't know.
 15 Q. When did the ambulance get to your house?
 16 A. They came -- they came -- they came like -- It
 17 was quick.
 18 Q. Do you know where the ambulance was from?
 19 A. No, sir.
 20 Q. What did the ambulance people do when they got
 21 to your house?
 22 A. Put a neck brace on and took me to Greenville
 23 Hospital.

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1 Q. Was that all they did?
 2 A. Asked me questions.
 3 Q. Did they do anything else for you while they
 4 were taking you to the hospital?
 5 A. No, sir.
 6 Q. Did they give you any oxygen?
 7 A. He told me just keep breathing.
 8 Q. But they didn't give you any oxygen?
 9 A. No, sir.
 10 Q. You know what I'm talking about, don't you?
 11 When they put a little hose into your nose?
 12 Did they do anything like that?
 13 A. No, sir.
 14 Q. Do you know the names of any of the ambulance
 15 people?
 16 A. No, sir.
 17 Q. See any people that you've seen before?
 18 A. No, sir.
 19 Q. Seen any of them since then?
 20 A. No, sir.
 21 Q. What kind of questions did they ask you?
 22 A. Asked me what was wrong and stuff.
 23 Q. What did you tell them?

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1 A. I can't hardly breathe and my neck hurt.
 2 Q. When did your neck start hurting?
 3 A. It started hurting -- When I was still down
 4 there with the handcuffs it was hurting.
 5 Q. What part of your neck was hurting?
 6 A. The part where he choked me at.
 7 Q. What part was that?
 8 A. Around here.
 9 Q. Talking about in the front?
 10 A. Yes, sir.
 11 Q. In what way did it hurt?
 12 A. It was like when I move it, it hurt.
 13 Q. Any other questions that the ambulance people
 14 asked you?
 15 A. No, sir.
 16 Q. Anything else you told them?
 17 A. No, sir.
 18 Q. What happened when you got to the hospital in
 19 Greenville?
 20 A. I don't remember.
 21 Q. Did you go to the emergency room at the
 22 hospital?
 23 A. Yes, sir.

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1 Q. Did you have any type of physical examination
2 when you got to the emergency room?
3 A. I don't know.
4 Q. Do you remember anything that happened after
5 you got to the emergency room?
6 A. When I got X-rayed.
7 Q. Anything else?
8 A. That was it.
9 Q. What part of your body did they X-ray?
10 A. My neck.
11 Q. Did they ask you any questions while you were
12 there?
13 A. I don't remember.
14 Q. Did they tell you anything was wrong with you
15 when you were there?
16 A. I don't remember all that. I forgot it.
17 Q. Is there any reason that you have trouble
18 remembering that?
19 A. I don't know. I just can't remember.
20 Q. Did anybody at the hospital give you any
21 medicine?
22 A. Yes, sir. For my neck.
23 Q. What did they give you for your neck?

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1 A. I don't know.
2 Q. Was it pills or a shot?
3 A. Pills.
4 Q. Did you take these pills at the hospital?
5 A. They gave me a prescription for them to get
6 filled at the drugstore.
7 Q. Did you get those filled at the drugstore?
8 A. Yes, sir.
9 Q. How many days did you take these pills after
10 you left the hospital?
11 A. A long time.
12 Q. Well, how long is a long time?
13 A. I still taking the pills when my neck hurt.
14 Q. It's not the same pills, is it?
15 A. Yes, sir.
16 Q. What did they tell you the pills were for?
17 A. They told my parents.
18 Q. They told your parents what?
19 A. They told my parents what the pill for. I
20 don't know.
21 Q. How long were you at the hospital?
22 A. I don't know how long I was there.
23 Q. Do you remember the name of the doctor that

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1 you saw there?
2 A. No, sir.
3 Q. Do you remember the name of anybody that you
4 saw at the emergency room?
5 A. No, sir. But my parents.
6 Q. Were you released from the emergency room that
7 same evening that you went in there?
8 A. Yes, sir.
9 Q. How did you get home from the emergency room?
10 A. My parents.
11 Q. Did they drive you home?
12 A. Yes, sir.
13 Q. What did you do that night after you got back
14 to your house?
15 A. Went to sleep
16 Q. Did you do anything else after you got home
17 before you went to sleep?
18 A. No, sir.
19 Q. What did you do the next day?
20 A. Nothing.
21 Q. Did you go to school?
22 A. No, sir.
23 Q. Why not?

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1 A. I don't know. My neck were hurting.
2 Q. When did you go to school -- Let me ask that
3 differently.
4 When was the first time you went to school
5 after the accident or this incident?
6 A. I don't remember.
7 Q. Do you know how many days it was?
8 A. No, sir.
9 Q. Was it more than one day?
10 A. I don't know. I don't remember.
11 Q. Do you know if the doctor or anybody that you
12 saw at the hospital told you not to go back to
13 school for a certain period of time?
14 A. I don't know.
15 Q. After the hospital when is the next time that
16 you went to see a doctor because of any
17 problems with your neck or your head or
18 anything else as a result of this incident?
19 A. I went to see Dr. Garth.
20 Q. When did you go see Dr. Garth?
21 A. I don't know the date it was.
22 Q. Well, how many days after you got out of the
23 hospital was it that you went to see him?

21 (Pages 81 to 84)

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<p>1 A. About seven or eight days.</p> <p>2 Q. Who took you to see Dr. Garth?</p> <p>3 A. My mama and dad.</p> <p>4 Q. Both went with you to see Dr. Garth?</p> <p>5 A. My mama had took -- My daddy drove us there,</p> <p>6 but my mama took me to see him.</p> <p>7 Q. What did you tell Dr. Garth when you first saw</p> <p>8 him? Did you tell him about anything being</p> <p>9 wrong with you?</p> <p>10 A. Yes, sir.</p> <p>11 Q. What did you tell him?</p> <p>12 A. My neck hurt.</p> <p>13 Q. Did you tell him why your neck was hurting?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Did Dr. Garth do any type of examination or</p> <p>16 test on you?</p> <p>17 A. No, sir.</p> <p>18 Q. What did Dr. Garth do?</p> <p>19 A. He looked at my neck.</p> <p>20 Q. What else?</p> <p>21 A. That was it, what I remember. That what I</p> <p>22 remember.</p> <p>23 Q. Did Dr. Garth tell you anything about anything</p>	<p>1 A. Yes, sir.</p> <p>2 Q. What did he ask you?</p> <p>3 A. Where about it hurting at.</p> <p>4 Q. And what did he say about why it was hurting?</p> <p>5 A. I don't know.</p> <p>6 Q. Did he give you any medicine while you were</p> <p>7 there?</p> <p>8 A. Yes, sir.</p> <p>9 Q. What kind of medicine did he give you?</p> <p>10 A. Some pain pills.</p> <p>11 Q. Do you know what kind of pain pills they were?</p> <p>12 A. No, sir.</p> <p>13 Q. Did he give you a prescription to get more of</p> <p>14 these pain pills?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Do you know where you took the prescription to</p> <p>17 get the pills?</p> <p>18 A. No, sir.</p> <p>19 Q. Did you get the prescription filled to get</p> <p>20 more of these pills?</p> <p>21 A. Sir?</p> <p>22 Q. Did you or your mom or dad or anybody in your</p> <p>23 family take the prescription anywhere to get</p>
Page 86	Page 88
<p>1 being wrong with your neck?</p> <p>2 A. I don't remember that.</p> <p>3 Q. What was your reason to go see Dr. Garth?</p> <p>4 A. Because my neck was still hurting.</p> <p>5 Q. Did you want to find out why it was hurting or</p> <p>6 what was wrong with it?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Did you ask Dr. Garth that?</p> <p>9 A. No, sir.</p> <p>10 Q. Why not?</p> <p>11 A. I told him my neck was hurting.</p> <p>12 Q. You said you went there to find out why it was</p> <p>13 hurting. Why didn't you ask him?</p> <p>14 A. I thought he going to tell me.</p> <p>15 Q. Okay. If he didn't tell you, why didn't you</p> <p>16 ask him?</p> <p>17 A. He just gave -- I ain't talked to him. My</p> <p>18 mama told him.</p> <p>19 Q. You didn't talk to Dr. Garth at all the whole</p> <p>20 time you were there?</p> <p>21 A. I did talk to him, but she told him the reason</p> <p>22 I was there.</p> <p>23 Q. Did he ask you any questions?</p>	<p>1 more of the pills?</p> <p>2 A. Get more?</p> <p>3 Q. Right. You said he gave you a prescription</p> <p>4 for pain pills.</p> <p>5 A. Yes, sir.</p> <p>6 Q. Did you take -- Did you or your parents or</p> <p>7 anybody in your family take that prescription</p> <p>8 some place to get the pills?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Where did they take the prescription to get</p> <p>11 the pills?</p> <p>12 A. I don't know. They took them to the</p> <p>13 drugstore.</p> <p>14 Q. Do you know what drugstore they took them to?</p> <p>15 A. No, sir.</p> <p>16 Q. Was it a drugstore in Fort Deposit?</p> <p>17 A. Yes, sir.</p> <p>18 Q. After that did you go back to see Dr. Garth or</p> <p>19 any other doctor again --</p> <p>20 A. Sir?</p> <p>21 Q. -- because of your neck?</p> <p>22 A. Sir?</p> <p>23 Q. After this time -- the first time you went to</p>

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1 see Dr. Garth about your neck, did you go back
 2 to see him or any other doctor about your
 3 neck?
 4 A. No, sir.
 5 Q. So you went to the emergency room about your
 6 neck, and then you went to see Dr. Garth one
 7 time seven, eight days later; is that right?
 8 A. Yes, sir.
 9 Q. And you haven't been to see Dr. Garth again or
 10 any other doctor about your neck since that
 11 time, have you?
 12 A. No, sir.
 13 Q. I just want to make sure I have this
 14 straight. You went to the emergency room and
 15 then you went to see Dr. Garth. Have there
 16 been any other times that you've been to the
 17 hospital or any other doctor to see about your
 18 neck?
 19 A. No, sir.
 20 Q. Did you tell Dr. Garth that you were having
 21 any headaches?
 22 A. Sir?
 23 Q. Did you tell Dr. Garth that you were having

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1 any headaches?
 2 A. No, sir.
 3 Q. Did you tell the people at the emergency room
 4 that you were having any headaches?
 5 A. No, sir.
 6 Q. When did you start having headaches as a
 7 result of this incident?
 8 A. I been having headaches before that.
 9 Q. Okay. So the headaches you're having are not
 10 because of this incident, are they?
 11 A. No, sir.
 12 Q. Now, you told me that little bump you got on
 13 your forehead there was where you got hit by a
 14 baseball bat. I notice you've got what looks
 15 like a scar on the back of your head. How did
 16 you get that?
 17 A. Going up on a barbed wire.
 18 Q. Where did you go up on a barbed wire?
 19 A. When I was little.
 20 Q. About how old were you when that happened?
 21 A. About two or three.
 22 Q. What did you do to your head then?
 23 A. Sir?

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1 Q. What did you do to cause that scar on the
 2 barbed wire?
 3 A. Going up under it.
 4 Q. Did you get cut?
 5 A. Yes, sir.
 6 Q. Did you have to go to the hospital?
 7 A. No, sir.
 8 Q. Who fixed up your cut?
 9 A. Lois.
 10 Q. Who is Lois?
 11 A. My daddy's stepsister.
 12 Q. And she took care of that cut on the back of
 13 your head?
 14 A. Yes, sir.
 15 Q. I asked you earlier about times that you had
 16 been suspended from school, and you said you
 17 had been suspended about nine times. Is there
 18 any times that you've been expelled from
 19 school in addition to those times?
 20 A. Sir?
 21 Q. I asked you about being suspended from
 22 school. I just want to make sure that I
 23 didn't overlook something.

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1 Have you ever been expelled from school
 2 for any reason other than those times that
 3 we've discussed?
 4 A. I don't remember.
 5 Q. I just want to make sure because some people
 6 consider expelled and suspended the same thing
 7 and some people consider them different
 8 things.
 9 Have you ever been suspended or expelled
 10 from school other than the times that you've
 11 told me about?
 12 A. I don't remember no more.
 13 Q. Where had you been before you went over to
 14 your uncle's house where this happened?
 15 A. Walking around.
 16 Q. Where had you been walking around?
 17 A. In the project and stuff.
 18 Q. Who had you been walking around with?
 19 A. Sir?
 20 Q. Who had you been walking around with?
 21 A. My cousin and them.
 22 Q. Which cousin?
 23 A. Shane.

23 (Pages 89 to 92)

Page 93

1 Q. Anyone else?
 2 A. Just Shane, Shawn, and Kevin. That's it.
 3 Q. You said Shane and Shawn. What's Shawn's last
 4 name?
 5 A. Searight.
 6 Q. And who are the other guys you named?
 7 A. Kevin.
 8 Q. What's Kevin's last name?
 9 A. Thigpen.
 10 Q. Where does Kevin live?
 11 A. (Inaudible).
 12 Q. Who else were you with?
 13 A. Them all the ones I remember I was with. And
 14 then I had walked on over to my uncle house.
 15 Q. Did you eat supper anytime between walking
 16 around with these guys and going over to your
 17 uncle's house?
 18 A. I had been ate.
 19 Q. Do you recall what time you ate supper that
 20 day?
 21 A. No, sir.
 22 Q. This incident with Officer Campbell was after
 23 supper then?

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1 A. Yes, sir.
 2 Q. Shane, Shawn and Kevin, were they still around
 3 when Officer Campbell came up?
 4 A. They had went, Shawn and Shane, to my grandma
 5 house, and Kevin had went home.
 6 Q. When all this was going on between you and
 7 Officer Campbell there, did he ever go on the
 8 property of your mother and daddy?
 9 A. (Witness nods head negatively.)
 10 Q. Did he ever go in the yard there?
 11 A. Of our --
 12 Q. Yes.
 13 A. No, sir.
 14 Q. Did he ever go in your house?
 15 A. No, sir.
 16 Q. Did this all take place in your uncle's yard?
 17 A. Yes, sir.
 18 Q. Going back to the time when this incident
 19 happened, on that day or the day before, had
 20 you taken any type of medications?
 21 A. No, sir.
 22 Q. Had you taken any kind of drugs?
 23 A. No, sir.

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1 Q. Had you had any kind of alcohol to drink?
 2 A. No, sir.
 3 Q. Where did you have supper that day?
 4 A. In my grandma house.
 5 Q. Is that where you normally have supper?
 6 A. No, sir.
 7 Q. Was your grandma still living in the project
 8 at this time?
 9 A. No, sir.
 10 Q. Where was she living then?
 11 A. On North Pollard Street.
 12 Q. Who else had supper at your grandmother's when
 13 you did?
 14 A. A lot -- all -- A lot of us.
 15 Q. A lot of what?
 16 A. A lot of people.
 17 Q. Well, who?
 18 A. Her and her daughters, her son, her
 19 grandchildren.
 20 Q. Did she always cook supper for that many
 21 people?
 22 A. Yes, sir.
 23 Q. Did she do that every night or just on special

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1 events?
 2 A. She do it almost every day.
 3 Q. What was the weather like on the day that this
 4 happened?
 5 A. I don't remember. Can't remember.
 6 Q. Had it been raining that day?
 7 A. I don't remember that. No, sir. It wasn't
 8 raining though.
 9 Q. It was raining?
 10 A. It wasn't rainy.
 11 Q. Was the sun still up when this happened?
 12 A. I don't remember that.
 13 Q. Do you remember if the weather was hot or
 14 cold?
 15 A. Cool like.
 16 Q. What kind of clothes did you have on?
 17 A. Shorts and a shirt.
 18 Q. What kind of shirt?
 19 A. White shirt.
 20 Q. What kind of white shirt?
 21 A. White T-shirt.
 22 Q. Did your T-shirt have anything written on it?
 23 A. No, sir.

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1 Q. When all this was going on between you and
 2 Officer Campbell, did your T-shirt or shorts
 3 get torn or messed up?
 4 A. My shirt.
 5 Q. What happened to your shirt?
 6 A. Slob got on it.
 7 Q. I'm sorry. Say that again.
 8 A. Slob just was on it.
 9 Q. Slob just was on it?
 10 A. Yes, sir.
 11 Q. Where did the slob come from?
 12 A. My mouth.
 13 Q. When you gave that bird to your auntie across
 14 the street, what were you telling her by doing
 15 that?
 16 A. Nothing.
 17 Q. What was your purpose of doing that?
 18 A. We stick our finger up like that all the time.
 19 Q. Pardon me?
 20 A. We be doing that all the time.
 21 Q. What was your purpose of doing that all the
 22 time?
 23 A. Just be joking around, having fun.

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1 Q. Well, what kind of message or what's the
 2 meaning that you're trying to communicate to
 3 your auntie when you do that?
 4 A. Ain't no meaning.
 5 Q. Do you do that to anybody other than your
 6 auntie?
 7 A. Yes, sir.
 8 Q. Who else do you do it to?
 9 A. Kids like me, my size.
 10 Q. What are you telling those kids when you do
 11 that?
 12 A. I don't know. Hardly nothing. Just be
 13 having -- Just be sticking our fingers at each
 14 other.
 15 Q. Well, what's the point of doing that?
 16 A. I don't know.
 17 Q. If somebody you didn't know or wasn't your
 18 friend came up and gave you a bird, what would
 19 you think?
 20 A. I don't know. I wouldn't know what he talking
 21 about probably.
 22 Q. Would you like it?
 23 A. No. I just stick you one back.

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1 Q. Why wouldn't you like it?
 2 A. Because we wasn't joking or nothing. He just
 3 walked over to me and stuck a bird up.
 4 Q. Would that be -- Would you consider that
 5 disrespectful to you?
 6 A. No. No, sir. I wouldn't did it -- I wouldn't
 7 think it be disrespectful because he a kid.
 8 Q. What if somebody who wasn't a kid came up and
 9 did that to you?
 10 A. Then it would be disrespectful.
 11 Q. Would you like that?
 12 A. No, sir. I just stick one back.
 13 Q. If you gave a bird to an adult that you didn't
 14 know, how do you think they would react to
 15 that?
 16 MR. LEWIS: Object to the form.
 17 A. I don't know.
 18 Q. Do you think they would like it?
 19 MR. LEWIS: Object to the form.
 20 A. Probably will, probably not.
 21 Q. Do you do that to your teachers?
 22 A. No, sir.
 23 Q. Why not?

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1 A. My teacher be trying to get my lesson out the
 2 way.
 3 Q. If you were to give a bird or stick your
 4 finger out like that to one of your teachers,
 5 what do you think would happen?
 6 MR. LEWIS: Object to the form.
 7 A. Probably get suspended.
 8 Q. Why would you get suspended for doing that?
 9 A. Because they take it a whole other way.
 10 Q. What way do they take it?
 11 A. Talking about them.
 12 Q. Pardon me?
 13 A. You're talking about them.
 14 Q. Have you ever done that to your principal?
 15 A. No, sir.
 16 Q. Ever done that to any of your teachers?
 17 A. No, sir.
 18 Q. Ever done that to any of your PE coaches?
 19 A. No, sir.
 20 Q. Why not?
 21 A. I like PE.
 22 Q. Any reason you haven't done it to the
 23 principal?

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1 A. The principal, she all right.
 2 Q. You would get in trouble if you did that to
 3 the principal, wouldn't you?
 4 A. Yes, sir.
 5 Q. You would get in trouble if you did that to
 6 one of your teachers, wouldn't you?
 7 A. Yes, sir.
 8 Q. You would get in trouble if you did that to
 9 one of your PE coaches, wouldn't you?
 10 A. Yes, sir.
 11 Q. You've known that for several years, haven't
 12 you?
 13 A. Who?
 14 Q. That if you give a bird or a finger to one of
 15 your teachers, your principal or coaches, you
 16 would get in trouble?
 17 A. Yes, sir.
 18 Q. You knew that before the incident with Officer
 19 Campbell, didn't you?
 20 A. Yes, sir.
 21 Q. The names that you gave me earlier are the
 22 people that were there when this card game was
 23 going on?

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1 A. Yes, sir.
 2 Q. Your auntie Melissa Searight, your uncle Pep
 3 Searight, Pearlle Mae, who is also known as
 4 Dually, Laura Walker, James Searight and
 5 Tanquita Searight. Do you know of anybody
 6 else that was there or saw what was going on
 7 that happened between you and Officer
 8 Campbell?
 9 A. No, sir. Then when he had me handcuffed, I
 10 seen a lot of people standing around.
 11 Q. Who did you see standing around after he had
 12 you handcuffed?
 13 A. A lot of people.
 14 Q. Give me their names.
 15 A. Vonte.
 16 Q. Who?
 17 A. Vonte.
 18 Q. Vonte who? What's his last name?
 19 A. Thigpen.
 20 Q. Who else?
 21 A. Twin -- Travis Thigpen.
 22 Q. Travis, is that spelled like Travis?
 23 A. Yes, sir.

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1 Q. Who else?
 2 A. Shawn, Shane, Kevin, Nell, Bubba -- There was
 3 a lot of them standing around.
 4 Q. How did these people know that there was
 5 something going on to come up and watch it?
 6 A. I don't know.
 7 Q. Had you been hollering or anything?
 8 A. No, sir.
 9 Q. Anybody else hollering?
 10 A. I don't know.
 11 Q. You don't remember anybody hollering?
 12 A. (Witness nods head negatively.)
 13 Q. I need you to answer the question.
 14 A. I don't know.
 15 Q. Since this incident have you talked to any of
 16 these people about what happened?
 17 A. No, sir.
 18 Q. You haven't talked to any of these people
 19 about what happened that they might have seen
 20 when this went on?
 21 A. No, sir.
 22 Q. Have you talked with your mother and daddy
 23 about what went on?

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1 A. (Witness nods head negatively.)
 2 Q. Never discussed it with them?
 3 A. I discussed it with my parents without nobody
 4 else.
 5 Q. When did you first discuss what went on with
 6 your parents and nobody else there?
 7 A. When I got out of the hospital that night --
 8 next day.
 9 Q. What did you and your parents discuss?
 10 A. I told them all what happened.
 11 Q. Do you know if your parents have talked about
 12 what went on with any of these other people
 13 that you said saw what happened?
 14 A. I don't know. They probably did.
 15 Q. Have they ever told you that they talked with
 16 anybody about what happened?
 17 A. No, sir.
 18 Q. How many times did you and your parents talk
 19 about this before y'all decided to file a
 20 lawsuit against Officer Campbell?
 21 A. I don't know. I don't know how many times.
 22 Q. Whose decision was it to sue Officer Campbell?
 23 A. My daddy.

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1 Q. When did you and your daddy discuss that y'all
 2 were going to sue Officer Campbell?
 3 A. I don't remember.
 4 Q. What did y'all discuss about suing Officer
 5 Campbell?
 6 A. Sir?
 7 Q. What did y'all talk about with regard to suing
 8 Officer Campbell?
 9 A. Say he did too many other children like that.
 10 Said need to bring it to justice.
 11 Q. How were y'all going to bring it to justice?
 12 A. By suing him so it wouldn't happened to
 13 another child.
 14 Q. What were y'all going to get out of suing
 15 him? Did y'all discuss that?
 16 A. No, sir.
 17 Q. You didn't discuss getting any money out of
 18 suing him?
 19 A. No, sir.
 20 Q. You're telling me you and your daddy talked
 21 about suing Officer Campbell but didn't say
 22 anything or talk about suing him for any
 23 particular amount of money?

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1 A. No, sir.
 2 Q. Y'all didn't talk about getting any money out
 3 of the lawsuit?
 4 A. He and my mama probably talked about money,
 5 but I didn't talk about money.
 6 Q. Did you hear your daddy and mama talk about
 7 getting money out of this lawsuit?
 8 A. No, sir.
 9 Q. So you're telling me today that that's never
 10 come up?
 11 A. Sir?
 12 Q. Are you telling me today that that's never
 13 come up?
 14 A. Not me hearing them.
 15 Q. Did you know you were suing him to get some
 16 money?
 17 A. That was probably what we was suing him for,
 18 and then keeping him from doing it to another
 19 child.
 20 Q. How many times have you dealt with Officer
 21 Campbell when he came to get you off the
 22 school grounds when you weren't supposed to be
 23 there?

Page 107

1 A. Sir?
 2 Q. How many times have you had dealings with
 3 Officer Campbell when he's had to come get you
 4 off the school grounds when you weren't
 5 supposed to be there?
 6 A. One time.
 7 Q. Just one time?
 8 A. I wasn't on the school premise, though. I was
 9 on the other side of the road.
 10 Q. So you've had more than one run-in with
 11 Officer Campbell before this, hadn't you?
 12 A. I'm talking about when you said about the
 13 premises -- on the school premises.
 14 Q. Uh-huh (positive response).
 15 A. I wasn't on the school grounds. I was on the
 16 other side. We was over there flipping off
 17 that thing, and then he pulled up and told me
 18 to come on and get in the car.
 19 Q. So how many times have you had dealings with
 20 Officer Campbell before this incident?
 21 A. I don't know.
 22 Q. You told me before that it was just once. Now
 23 it's turning out it's twice. How many other

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1 times have you dealt with him?
 2 A. He had -- I don't know. I didn't remember
 3 about the school.
 4 Q. How many times have you dealt with Officer
 5 Campbell about one thing or another before
 6 this incident?
 7 A. I don't remember but one and the one you just
 8 told me.
 9 Q. Hasn't been more than those two times?
 10 A. Not if I remember.
 11 Q. Have you had trouble with other police
 12 officers?
 13 A. No, sir.
 14 Q. Never?
 15 A. No, sir.
 16 Q. So the only time you've ever had any dealings
 17 with any police officers are the times that
 18 you've dealt with Officer Campbell?
 19 A. I ain't -- wasn't in trouble with none, but I
 20 used to ride with Palka, the police. I used
 21 to ride with him, hang with him.
 22 Q. With who?
 23 A. Palka.

27 (Pages 105 to 108)

Page 109

1 Q. Palk?
 2 A. Palka.
 3 Q. Is he a police officer?
 4 A. He was. He left.
 5 Q. You've never been in trouble with the police
 6 anytime or where the police had to be called
 7 to take care of you other than these times
 8 that we've talked about? I want to give you a
 9 chance to be sure right now.
 10 A. Not I remember.
 11 Q. Pardon me?
 12 A. Not I remember of.
 13 Q. Is it possible there were times that you don't
 14 remember?
 15 MR. LEWIS: Object to the form.
 16 A. No, sir.
 17 Q. Other than your neck being sore after this,
 18 was there any other part of your body that
 19 received any injury in this incident?
 20 A. My leg was hurt.
 21 Q. Which leg?
 22 A. Both of them, because I was squatting and then
 23 they had start hurting

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1 Q. Where did your legs hurt?
 2 A. In my knees part.
 3 Q. What was wrong with your knees?
 4 A. My knee that had the stitches it -- the things
 5 in there, they start back -- it start back
 6 hurting.
 7 Q. When you got to the hospital, did you tell
 8 them that your knees were hurting?
 9 A. No, sir.
 10 Q. Had your knees quit hurting by the time you
 11 got to the hospital?
 12 A. No, sir.
 13 Q. Why didn't you tell them your knees were
 14 hurting?
 15 A. I don't know.
 16 Q. You were there at the hospital for them to
 17 take care of anything that was wrong with you,
 18 weren't you?
 19 A. Yes, sir.
 20 Q. But you didn't tell them about your knees?
 21 A. No, sir.
 22 Q. Any other part of your body that was injured
 23 in this incident?

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1 A. No, sir.
 2 Q. Other than your neck and your legs, nothing
 3 else was injured?
 4 A. No, sir.
 5 Q. I want you to think here a minute because I
 6 want to make sure that if we go to trial,
 7 you're not going to come up and say, oh,
 8 something else was hurt and I just forgot
 9 about it. I want to make sure we've covered
 10 everything right now.
 11 A. No, sir.
 12 Q. So just your neck and your legs?
 13 A. Yes, sir.
 14 Q. Did you ever go to the doctor after this to
 15 get your legs or knees checked out because of
 16 this incident?
 17 A. No, sir. I just rubbed them with alcohol.
 18 Q. Did they quit hurting after that?
 19 A. Yes, sir.
 20 Q. Does your neck still hurt?
 21 A. Sometimes it do.
 22 Q. What causes it to hurt now?
 23 A. I don't know. When I wake up in the morning,

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1 like it be stiff.
 2 Q. Is it stiff every morning?
 3 A. Not every morning, but some mornings.
 4 Q. Is that the only time it hurts you is when you
 5 wake up some mornings?
 6 A. Yes, sir.
 7 Q. Is there anything that you used to do before
 8 this incident that you don't do now because of
 9 this injury to your neck?
 10 A. Sir?
 11 Q. Is there anything that you used to do before
 12 this incident that you don't do any more
 13 because of any pain that you have in your
 14 neck?
 15 A. I don't understand that question. What you
 16 saying?
 17 Q. Let me ask it again and try to ask it a little
 18 bit better.
 19 Is there anything that you used to do --
 20 play basketball, football, hang from trees,
 21 play baseball, anything like that -- that you
 22 did before this incident with Officer Campbell
 23 that you can't do now because of any pain in

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1 your neck?
 2 A. Play basketball.
 3 Q. You don't play basketball anymore?
 4 A. No, sir.
 5 Q. Did you play basketball before?
 6 A. Yes, sir.
 7 Q. Are you saying that you've never played
 8 basketball since this incident?
 9 A. I just be out there sitting on the team. I
 10 play one time.
 11 Q. How did you play basketball before this
 12 incident?
 13 A. Good.
 14 Q. Did you play on a team anywhere?
 15 A. No, sir. I was playing football.
 16 Q. Do you still play football?
 17 A. Yes, sir.
 18 Q. Where do you play football?
 19 A. At school.
 20 Q. As part of PE?
 21 A. Yes, sir.
 22 Q. Did you ever have any -- Hold up a second.
 23 Other than playing basketball, you're able

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1 to do everything else that you normally did
 2 before this incident; is that right?
 3 A. Yes, sir.
 4 Q. Basketball is the only thing that's been
 5 affected; is that correct?
 6 A. Yes, sir.
 7 Q. Have you ever been stopped by any police
 8 officers from Fort Deposit or sheriff's
 9 deputies, any type of law enforcement
 10 officers, where they've had to take
 11 firecrackers away from you?
 12 A. Talking about -- It wasn't us had the
 13 firecracker. It was Jake and them had the
 14 firecracker he took from them.
 15 Q. Were you involved in an incident with Jake?
 16 Is that what you said?
 17 A. Yes, sir.
 18 Q. Were you involved with an incident involving
 19 Jake where the police came and took
 20 firecrackers from you or Jake or somebody else
 21 that was with y'all?
 22 A. We didn't have the firecracker. He took the
 23 firecracker from Jake and Shawn and them

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1 because Jake threw the firecrackers up under
 2 the car so he couldn't get them. He took the
 3 firecrackers from the children that had bought
 4 them from Jake. He had came from around the
 5 back and took them from Jake, though.
 6 Q. Who is Jake?
 7 A. Like my uncle.
 8 Q. Did you have any firecrackers at all that
 9 time?
 10 A. No, sir, because I didn't have no money.
 11 Q. You didn't do anything with firecrackers that
 12 time?
 13 A. No, sir.
 14 Q. Had you been holding any firecrackers for
 15 Jake?
 16 A. I ain't held nothing because I ain't had no
 17 money, and he wouldn't let nobody get none.
 18 Q. Who was the police officer involved in that
 19 incident?
 20 A. Curt Campbell.
 21 Q. Was there ever a time where you had any
 22 dealings with any Fort Deposit police officers
 23 or any other law enforcement officers

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1 regarding taking any lighters away from you?
 2 A. Lighters?
 3 Q. Uh-huh (positive response).
 4 A. Curt Campbell, that's who it is.
 5 Q. When did that happen?
 6 A. We was out in the project. We was out there
 7 burning up that old shirt.
 8 Q. You were out there burning a shirt in the
 9 project?
 10 A. Outside of the project.
 11 Q. And he came and took a lighter away from you?
 12 A. Yes, sir.
 13 Q. Whose shirt were you burning?
 14 A. A old shirt.
 15 Q. Whose was it?
 16 A. It came out of the garbage can.
 17 Q. Where were you burning it?
 18 A. On the sidewalk.
 19 Q. Were you supposed to burn shirts on the
 20 sidewalk?
 21 A. No, sir.
 22 Q. Anytime that any police officers or other law
 23 enforcement officers had to take a BB gun away

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1 from you?
 2 A. No, sir.
 3 Q. Have you ever been involved in any incident
 4 where somebody else had a BB gun that the
 5 police had to take away from them?
 6 A. Yes, sir.
 7 Q. When was that?
 8 A. On the end when my cousin was shooting a BB
 9 gun. Then Ben -- One of them came and took
 10 the gun to the police station.
 11 Q. You hadn't had anything to do with that BB
 12 gun?
 13 A. No, sir. We was out there shooting. He was
 14 out there -- We was out there shooting.
 15 Q. What were you shooting with it?
 16 A. Huh?
 17 Q. What were you shooting with it?
 18 A. Shooting birds and stuff.
 19 Q. You were shooting birds with the BB gun?
 20 A. Yes, sir.
 21 Q. Did anybody tell you you're not supposed to
 22 shoot birds with a BB gun?
 23 A. No, sir.

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1 Q. And who was the police officer that was
 2 involved in taking the BB gun away from y'all
 3 that time?
 4 A. Ben.
 5 Q. Was Officer Campbell involved in that?
 6 A. Not -- I don't remember. It was Ben.
 7 Q. Any other times you've had any run-ins with
 8 law enforcement officers that you haven't told
 9 me about?
 10 A. No, sir.
 11 Q. Are you positive?
 12 A. I don't remember none.
 13 Q. Well, it seems like every time I ask you that,
 14 you say you don't remember anything, and then
 15 something comes up and you remember more.
 16 MR. LEWIS: Object to the form.
 17 Q. Do you need to take a minute or two to think
 18 about it and see if there are some more?
 19 A. No, sir.
 20 Q. So you're telling me today that that's all the
 21 incidents that you've had with law enforcement
 22 officers?
 23 MR. LEWIS: Object to the form.

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1 A. Yes, sir.
 2 (Brief off-the-record discussion
 3 followed by a brief recess.)
 4 Q. (Continuing by Mr. Dukes) Where did you go to
 5 elementary school?
 6 A. In Fort Deposit.
 7 Q. What was the name of the school in Fort
 8 Deposit?
 9 A. Fort Deposit Elementary.
 10 Q. Have you been to any schools other than Fort
 11 Deposit Elementary and Lowndes County Middle
 12 School?
 13 A. No, sir.
 14 Q. Has any doctor that you've seen -- I guess
 15 that would be limited to Dr. Garth or to the
 16 people at the emergency room -- told you that
 17 you're going to have problems with your neck
 18 the rest of your life?
 19 A. I don't -- I don't -- I don't -- I don't
 20 remember him saying something like that.
 21 Q. Have you ever had any trouble breathing since
 22 this incident?
 23 A. Sir?

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1 Q. You went to the emergency room the night of
 2 this incident because you said you were having
 3 trouble breathing and your neck hurt, correct?
 4 A. Yes, sir.
 5 Q. Since going to the emergency room, have you
 6 had any trouble breathing?
 7 A. Like when I be running.
 8 Q. Other than that you haven't had any problems?
 9 A. (Witness nods head negatively.)
 10 Q. I need you to answer out loud.
 11 A. No, sir.
 12 Q. Did you play any organized sports at school
 13 before this incident?
 14 A. Like what?
 15 Q. Did you play on the school basketball team or
 16 the school football team or the school
 17 baseball team?
 18 A. Ain't got no football and baseball team. I
 19 ain't played on the basketball team, no, sir.
 20 Q. Never played on any of those teams before
 21 this?
 22 A. No, sir.
 23 Q. Played on any of those teams since then?

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1 A. No, sir.
 2 Q. And the incident that you had with Officer
 3 Campbell, all that took place in the yard at
 4 your uncle's house; is that right?
 5 A. Yes, sir.
 6 MR. DUKES: Thank you very much.
 7 MR. LEWIS: I've got one follow-up.
 8 EXAMINATION
 9 BY MR. LEWIS:
 10 Q. You were asked about whether or not you had
 11 ever shot a bird at the principal or the
 12 teachers at school, and you said no, correct?
 13 A. Yes, sir.
 14 Q. Would you consider shooting a bird to the
 15 principal or teachers a sign of disrespect?
 16 A. Yes, sir.
 17 Q. And that's why you didn't do it?
 18 A. Yes, sir.
 19 MR. LEWIS: That's it.
 20 (Deposition concluded at
 21 approximately 12:10 p.m.)
 22 *****
 23

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1 02:05-CV-928-WKW
 2 on Friday, March 3, 2006.
 3 The foregoing 122 computer printed pages
 4 contain a true and correct transcript of the
 5 examination of said witness by counsel for the
 6 parties set out herein. The reading and signing of
 7 same is hereby waived.
 8 I further certify that I am neither of kin
 9 nor of counsel to the parties to said cause nor in
 10 any manner interested in the results thereof.
 11 This 8th day of March, 2006.
 12
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 23

Pamela A. Wilbanks, Registered
 Professional Reporter and
 Commissioner for the State
 of Alabama at Large.

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1 *****
 2 REPORTER'S CERTIFICATE
 3 STATE OF ALABAMA:
 4 MONTGOMERY COUNTY:
 5 I, Pamela A. Wilbanks, Registered
 6 Professional Reporter and Commissioner for the State
 7 of Alabama at Large, do hereby certify that I
 8 reported the deposition of:
 9 JOHN A. SEARIGHT, JR.
 10 who was first duly sworn by me to speak the truth,
 11 the whole truth and nothing but the truth, in the
 12 matter of:
 13 J.S., (a minor child by
 14 and through his father and
 15 next friend, JOHN SEAWRIGHT),
 16 Plaintiff,
 17 Vs.
 18 OFFICER CURT CAMPBELL, in
 19 his individual capacity,
 20 Defendant.
 21 In The U.S. District Court
 22 For the Middle District of Alabama
 23 Northern Division

